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## Senate

(Legislative day of Friday, September 22, 2000)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

The PRESIDENT pro tempore. Today's prayer will be offered by our guest Chaplain, Rev. Claude Pomerleau, CSC, University of Portland, Oregon.

### PRAYER

The guest Chaplain, Rev. Claude Pomerleau, offered the following prayer:

Let us pray:

Lord and Master of the universe, we dare to name You Mother and Father because You are the Source of all that we are, all that we have, and all that we do. You have also sent us Your Spirit, and so we call ourselves Your children. We know that You love us, and that this gift goes beyond our greatest expectations.

O God, bless all the Members of the Senate, this day and always. May they act in accordance with Your Spirit as they serve this Nation and work for a more peaceful and secure world. May they be just and compassionate in their work as You are just and compassionate with Your creation, and may they be a sign of Your presence for this Nation and the world.

We pray that we may always be instruments of Your peace, even in the midst of unresolved problems and constant human conflicts. And, as a result,

may we strive to be a mosaic of Your renewing presence in this world, through which we have a brief but glorious passage. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable MIKE CRAPO, a Senator from the State of Idaho, led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER (Mr. CRAPO.) The Senator from Alaska is recognized.

### SCHEDULE

Mr. MURKOWSKI. Mr. President, on behalf of the leader, I have been asked to announce today that the Senate will resume consideration of H.J. Res. 110, the continuing resolution. Under the order, the time until 10 a.m. will be equally divided with a vote scheduled to occur at 10 a.m. Following the vote, the Senate is expected to resume debate on the conference report to accompany H.R. 4578, the Interior appropriations bill. Cloture was filed on the conference report and it is hoped an

agreement can be reached to have the cloture vote during today's session. The Senate may also begin consideration of any other conference reports available for action. I thank my colleagues for their attention.

Mr. President, I understand the Senator from Vermont would like to make a very special introduction. It will be my intention then to speak, and take the time of Senator STEVENS, leaving him about 5 minutes remaining on our side.

Mr. REID. Mr. President, I didn't understand. Is that a unanimous consent request for something?

The PRESIDING OFFICER. No unanimous consent request was made.

The Senator from Vermont.

### THE GUEST CHAPLAIN

Mr. LEAHY. Mr. President, I thank my friend from Alaska for his usual courtesies. I will take time on our side briefly.

I thank the Senate Chaplain, Dr. Ogilvie, for his courtesy in inviting today's visiting Chaplain, Father Claude Pomerleau. Father Pomerleau is very special to me; he is my brother-in-law. He is the chairman of the department of history and political science at the University of Portland. He has a distinguished career, a doctorate from the University of Denver, where actually

### NOTICE

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• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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one of his lead professors was Dr. Madeline Albright's father. He speaks many, many languages. He is seen as a leading authority on Latin America. He teaches in Chile as well as at the University of Portland—in fact, he just came back from there.

I could go through all these things about him, but from a personal point of view he is very special to me. His sister, Marcelle, and I have been married now for 38 years, and he was present when we were married, as were his brother Rene and his father and mother, Phil and Cecile Pomerleau. Phil and Cecile are no longer with us, but I have a feeling they look down in pride at their son this morning, as we all do. He is a teacher, he is a mentor, a brother, a son, a beloved uncle—in our family he has been all of those and more.

He has been a very dear friend to me. I think of what Edward Everett Hale, a former distinguished Senate Chaplain, once said. He was asked:

Do you pray for the Senators, Dr. Hale?

And he said:

No, I look at the Senators and I pray for the country.

I am privileged to have a brother who not only prays for the country, but prays for this Senator. I consider it, in my 26 years here, one of the rarest privileges I have had to be able to see him on the floor.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. REID. Will the Senator yield for a comment about Senator LEAHY?

The PRESIDING OFFICER. Does the Senator yield?

Mr. MURKOWSKI. I yield.

Mr. REID. Mr. President, before Senator LEAHY and his brother-in-law leave, I want the good Father to know how much the Senate cares about you and Marcelle. You have expressed so well your feelings about your brother-in-law, but we want you to know how much the entire Senate on both sides of the aisle respects Senator LEAHY and your lovely sister.

#### MAKING CONTINUING APPROPRIATIONS FOR THE FISCAL YEAR 2001—Resumed

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 110) making further continuing appropriations for the fiscal year 2001, and for other purposes.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, what is the time circumstance on this bill?

The PRESIDING OFFICER. There are 12 minutes a side. The time is evenly divided.

Mr. STEVENS. I yield the 12 minutes on this side to the Senator from Alaska.

The PRESIDING OFFICER. The Senator from Alaska.

#### ENERGY POLICY

Mr. MURKOWSKI. Mr. President, I think it is important to note the situation escalating in the Mideast as a consequence of the tensions. It is unfortunate it would be at a time when we had hoped there would be an effort to get a firm peace agreement. As a consequence of that, I think it is important to bring to the attention of my colleagues a reality relative to the release of the Strategic Petroleum Reserve at the recommendation of Vice President GORE to our President.

As you know, the President did release 30 million barrels of the Strategic Petroleum Reserve. This was the largest single release of crude oil from SPR in the 25-year history of the reserve. The administration has claimed this has been a successful effort because the price of oil has dropped. Notwithstanding that, using SPR to manipulate prices is contrary to the law because we have not reauthorized SPR, and of course the success of this is determined in the long term, not the short term.

But I wish to bring to the attention of each and every Member some facts. Since the President made his announcement, there has been no new heating oil placed into the market and no measurable rise in inventories. It may surprise some of you, particularly those in the Northeast, to know that American consumers may, under the current arrangement, never see any of the product refined from the crude oil that we released from our Strategic Petroleum Reserve. Let me explain why because this is important.

In the arrangement, there was absolutely no requirement that those who successfully bid on crude oil from the Strategic Petroleum Reserve needed to refine it into heating oil. They may decide to make gasoline or some other product.

Second, there is absolutely nothing that prevents this product from being shipped to foreign markets, either in its crude form or as a refined product such as heating oil.

Guess what. That is just what is happening. We are shipping heating oil to Europe. Look at the Wall Street Journal this morning. Let me quote:

Europe's market for heating oil is 50 percent bigger than the U.S. heating oil market. Europe's stocks are even tighter and prices there are a few cents a gallon higher, so U.S. refiners have renewed incentive to ship heating oil across the Atlantic. . . . U.S. exports of heating oil to Europe have ballooned nearly six times, in the first 7 months of this year. . . .

That tells the story of the arrangement that the administration made to take the oil out of SPR and increase our heating oil supply. What has happened with it is it is going to Europe. I am not surprised by this, in the sense of the market going to the highest price where it can generate a return. But I am astonished about the claim of the administration and those who support the movement of SPR, and the re-

lease, that it was done because of concerns over supply for the benefit of the American consumer. The American consumer has not benefited. This is a spin being put on by the pundits.

I asked the Secretary of Energy pointblank at a hearing last week:

Is it possible as a result of oil being released from SPR that prices could fall but no new heating oil would find its way into the U.S. heating market?

Do you know what the answer was? It could happen. The irony is that we are going to release oil from our Strategic Petroleum Reserve to provide product to a European market. That should not be lost on the American consumer or Members of this body.

Finally, SPR was created for one specific purpose: as a reserve in case our supply, our dependence on OPEC and other countries, is disrupted. We are 58-percent dependent on imported oil. We have a situation in the Mideast. Iraq is claiming Kuwait is stealing its oil, the same claim it made prior to the Persian Gulf war. Kuwait is now claiming Iraq stole oil during the gulf war. The entire Israeli-Palestinian peace process appears, unfortunately, to have fallen apart. All this leads to a reminder that we should not use our petroleum reserve for political purposes, and that appears to be what we have done in this arrangement.

Mr. President, how much time is remaining on this side?

The PRESIDING OFFICER. The Senator has 7½ minutes remaining.

Mr. MURKOWSKI. I ask the Chair to advise me when I have 4 minutes remaining.

The PRESIDING OFFICER. The Chair will do so.

Mr. MURKOWSKI. Mr. President, as a consequence of the focus on energy between our two Presidential candidates, it is very appropriate that we identify differences.

The Vice President has said he has an energy plan that focuses not only on increasing the supply but also on working on the consumption side, but the real facts are the Vice President does not practice what he preaches. Let's look at the record over the last 7½ years.

The administration has opposed domestic oil exploration and production. We have had 17 percent less production since Clinton-Gore took office, and the facts are it decreased the number of oil wells from 136,000 and the number of gas wells has decreased by 57,000. These are wells that have actually been closed since 1992. There has been absolutely no utilization of American coal in coal-fired electric generating plants. We have not built a new plant since 1990.

The difficulty is the Environmental Protection Agency has made it so uneconomic that the industry simply cannot get the permits. We force the nuclear energy to choke on its own waste. We were one vote short in the Senate to pass a veto override. Yet the U.S. Court of Appeals has given the industry a liability case in the Court of

Claims, with a liability to the taxpayers of somewhere between \$40 billion and \$80 billion.

The administration threatens to tear down hydroelectric dams out West. What are we going to do there? We are going to take the traffic off the rivers and put it on the highways. We have ignored electric reliability and supply concerns. Go out to California, particularly San Diego, where they have seen price spikes and brownouts, no new generation, no new transmission. This has happened on the Vice President's watch.

Natural gas prices in the last 10 months have gone from \$2.60 to \$5.40 for delivery. That is the problem we are facing, and that is the record under this administration.

Let's not forget one more thing. The Vice President talks about cutting taxes. The Vice President himself cast the vote in 1993 to raise the gas tax 4.3 cents a gallon. He did not just cast the vote; he broke the tie, and that is the significance of the record with regard to a contribution to increase domestic energy in this country. Instead of doing something to increase domestic oil supply, the Vice President and the administration would rather blame big oil profiteering, and that is ironic. Where was big oil a year ago when oil was selling for \$10 a barrel? Who was profiteering then, Mr. President?

The PRESIDING OFFICER. The Senator has 4 minutes remaining.

Mr. MURKOWSKI. Who sets the price of oil? OPEC.

I thank the Chair and reserve the remainder of our time for Senator STEVENS, who wants to claim that time.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, it seems to me the majority is crying because the price of oil has dropped. The President made a decisive step and said we are going to pump oil from our reserve. Immediately, the price of oil dropped. Today it is below \$30 a barrel. The majority seems so concerned that what the President has done has helped—the price of oil has dropped.

I suggest my friends in the majority talk to the Governor of Texas or maybe the man running for Vice President. They have connections with the oil industry. Maybe they could talk him into not shipping oil overseas if that is, in fact, what is happening. They are crying crocodile tears because what is happening here is good. We laid out in great detail yesterday what this administration has done to lower the price of oil to make sure the economy was in good shape.

I am also continually amazed at what the majority says about the Vice President: He broke the tie, so there is a 4-cent-per-gallon increase in gas; isn't that too bad?

Let's look at the history. Remember, the majority was saying all kinds of bad things would happen. The Republicans were saying all kinds of bad things would happen if, in fact, the

Clinton and Gore budget deficit reduction plan passed. It passed.

Prior to passing, listen to what the Republicans had to say.

CONRAD BURNS:

So we're still going to pile up some more debt. But most of all, we're going to cost jobs in this country.

He was wrong on both counts. There are 22 million new jobs and, of course, the debt is gone.

ORRIN HATCH said:

Make no mistake, this will cost jobs.

Wrong again.

PHIL GRAMM, the Senator from Texas:

I want to predict here tonight that if we adopt this bill, the American economy is going to get weaker, not stronger, and the deficit 4 years from today will be higher than it is today, and not lower. When it is all said and done, people will pay more taxes, the economy will create fewer jobs. Government will spend more money, and the American people will be worse off.

I am not going to go into detail, but we have 300,000 fewer Federal employees than in 1992. We have the lowest unemployment in some 40 years. We have created 22 million jobs. We have a Federal Government today that is smaller than when President Kennedy was President. I think those on the other side should realize, yes, the Vice President did cast a decisive vote, but it was so decisive that it put this country on the road to economic recovery.

I also suggest my friends should stop talking about nuclear waste. We know there is not going to be another nuclear powerplant built in America, but we also recognize that rather than spending time on nuclear waste, why don't they talk about alternative energy—solar, wind, and geothermal?

My friend from Alaska continually talks about energy policy. I respect his opinion, but I continue to believe he is absolutely wrong.

Mrs. BOXER. Will my friend yield me 3 minutes?

Mr. REID. I will be happy to yield to my friend from California from the time we have.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I thank my friend for setting the record straight and for doing such a good job because we do have to remember where we were when the Clinton-Gore administration took office.

In my State, there was suffering; there was no hope; people's dreams were set aside; the economy was in the tank; and there was double-digit unemployment. Today we are in the midst of the greatest economic recovery ever. It dates back to the vote AL GORE cast because he was the deciding vote on that budget. The Republicans predicted gloom and doom, deficits and debt, unemployment and the rest. Let's face it; they were wrong. We do not want to go back to those days of high deficits.

VIOLENCE AGAINST WOMEN ACT

Mrs. BOXER. Mr. President, I appreciate the assistant Democratic leader

yielding me time because I want to talk briefly about the Violence Against Women Act, and then I am going to make a unanimous consent request, of which I believe the other side has been made aware.

The Violence Against Women Act, a landmark law that was passed in 1994, has now expired. We have to reauthorize it. It is crucial. It has expired.

Is this an important and worthy act? Yes, it is. Both sides of the aisle agree. We have seen a 21-percent reduction in violence against women. We have seen shelters for battered women and their families built. They have gone up from 1,200 to about 2,000. We see doctors trained to recognize domestic abuse and police men and women trained to recognize domestic abuse. So we are seeing, in the figures, a decrease in the violence.

But we cannot allow this law to die. The point is, it passed the House overwhelmingly. It is a clean bill. But there are political games going on over here. People want to attach all kinds of different things to the Violence Against Women Act. It can stand alone on its own two feet. Senator BIDEN wrote that act a long time ago. When I was in the House, he asked me to carry it. He has been joined by Senator HATCH. They have worked together now on this new reauthorization.

The last point I want to make before making my unanimous consent request is this: It may be called the Violence Against Women Act, but this act directly attacks the problem of children in these homes. We have to realize that children under the age of 12 live in approximately 4 out of 10 homes that experience domestic violence.

We look at Hollywood—and we are critical of what they are doing in terms of the R-rated films shown to kids—but the fact is, there is only one reliable predictor of future violence. If a male child sees one parent beat another parent, he is twice as likely to abuse his own wife as the son of nonviolent parents.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. REID. Mr. President, how much time do we have remaining?

The PRESIDING OFFICER. Five minutes remaining.

Mr. REID. I yield the Senator 2 more minutes.

Mrs. BOXER. We have a situation where we know if a child sees violence in the home, that child is very likely to repeat that violence. We have to protect these children by stopping the violence.

UNANIMOUS-CONSENT REQUEST—H.R. 1248

At this time, Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 834, H. 1248, an act to prevent violence against women, that the bill be considered read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Reserving the right to object, I ask the Senator, under my reservation, this bill which has done so much good in the country, has it lapsed?

Mrs. BOXER. Yes. The Violence Against Women Act reauthorization has expired. We can't permit this to continue any longer. The House acted, and well over 400 Members voted to reauthorize it.

Mr. REID. Is the Senator telling me that right now the law is not in effect in our country?

Mrs. BOXER. In essence, the authorization has definitely expired. My friend is right. That is why I make this request in a most urgent fashion.

The PRESIDING OFFICER. Is there objection?

Mr. THOMAS addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Reserving the right to object, I rise on behalf of the leader, who is working now with Members on the other side. I do not know of anyone who disagrees with what the Senator from California has said. No one I know of disagrees with the bill. I certainly do not. However, there is a process underway. I object to the unanimous consent request.

The PRESIDING OFFICER. Objection is heard.

Who yields time?

Time runs equally against both sides.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. How much time is remaining on the minority side?

The PRESIDING OFFICER. There are 3 minutes on the minority side.

Mr. REID. I yield 2 minutes to the Senator from California.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I thank Senator REID, once more, for yielding me some time.

I understand the Republican side of the aisle wants to attach different pieces of legislation to the Violence Against Women Act, and that is what is slowing it down. I know they want to see this act go forward. But I have to say to them, there is an easy way to do it.

I am very disappointed we had this objection this morning. We had a beautiful prayer—a beautiful prayer—given by Senator LEAHY's brother-in-law. If you heard what he said, he prayed that we in the Senate could work to do good works—to do good works. I know that is what we all strive to do every single day we get up in the morning. But it seems to me that good work such as the Violence Against Women Act is easy to do. We do not have to use it as a train to which we attach different pieces of legislation.

I see Senator WELLSTONE on the floor. He has worked so hard in the

area of the trafficking of women worldwide. Yes, we have no objection if we marry these two, if you will, pieces of legislation together because they make sense. One is talking about violence at home; one is talking about taking girls and putting them into sex trafficking. And it is a sin upon the world that this happens. We agreed to do this. It could have been done in a minute. We do not need to come on the floor and have a long period of time to discuss this. I am sure the Senator would agree; we could have a few comments.

The PRESIDING OFFICER. The Senator's 2 minutes have expired.

Mrs. BOXER. I am very disappointed this morning that we haven't been able to do at least one good thing for the women and children of this country, and that is to pass the House bill, the Violence Against Women Act, to get it done.

The PRESIDING OFFICER. Who yields time?

Time runs equally against both sides.

Mr. REID. Mr. President, I would like to ask a question of my friend from California in the minute we have remaining.

Mrs. BOXER. Yes.

Mr. REID. With all this compassionate conservatism around, do you think it would be good if the Governor of Texas interceded in this matter?

Mrs. BOXER. Yes. I would call on the Governor to intercede with our friends on the other side. He was asked about the Violence Against Women Act on the campaign trail. He was unaware of it. He said he had not heard of it, although Texas has received about \$75 million, and they have built battered women shelters. Then when he studied it, he said he supported it, for which I am very grateful. But this is a golden moment for him.

Since we have passed the bill, I want to say to my friend from Nevada, intimate-partner violence has decreased by 21 percent. Again, we have seen the number of battered women shelters increase by 60 percent. Before there were more animal shelters than there were for women and children. So we should act. I hope my friends will reconsider.

The PRESIDING OFFICER. All the time of the minority has expired.

Who yields time?

Time will run on the majority side.

Mr. THOMAS addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Mr. President, I think we are getting prepared, within a couple minutes now, to have a vote on the continuing resolution. I simply want to rise again to say I do not disagree at all with what the Senator from California is saying. But the fact is, there is a plan. There is a plan to operate under here. The Senate does not simply react because someone gets up and says it is time to do this. There are negotiations going on between the leader and Senators on the other side.

I am sure this will indeed be done. We have a lot of things that need to be

done. I would suggest that we ought to get the whole thing planned a little bit. I am a little surprised that this Senator is talking about objecting to moving forward because I think there have been quite a few objections coming from that side that has gotten us to where we are now. That is not really the point. The point is, we will handle this bill. The leader has prepared to do that.

Mr. THOMAS. Mr. President, I hope we can now proceed to the vote.

The PRESIDING OFFICER. The clerk will read the joint resolution for the third time.

The joint resolution was read the third time.

Mr. INHOFE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have been requested.

Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The joint resolution having been read the third time, the question is, Shall the joint resolution pass? The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) and the Senator from Vermont (Mr. JEFFORDS) are necessarily absent.

Mr. REID. I announce that the Senator from California (Mrs. FEINSTEIN) and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

The PRESIDING OFFICER (Mr. BUNNING). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 95, nays 1, as follows:

[Rollcall Vote No. 264 Leg.]

#### YEAS—95

Abraham	Enzi	McConnell
Akaka	Feingold	Mikulski
Allard	Fitzgerald	Miller
Ashcroft	Frist	Moynihan
Baucus	Gorton	Murkowski
Bayh	Graham	Murray
Bennett	Gramm	Nickles
Biden	Grams	Reed
Bingaman	Grassley	Reid
Bond	Gregg	Robb
Boxer	Hagel	Roberts
Breaux	Harkin	Rockefeller
Brownback	Hatch	Roth
Bryan	Hollings	Santorum
Bunning	Hutchinson	Sarbanes
Burns	Hutchison	Schumer
Byrd	Inhofe	Sessions
Campbell	Inouye	Shelby
Chafee, L.	Johnson	Smith (NH)
Cleland	Kennedy	Smith (OR)
Cochran	Kerrey	Snowe
Collins	Kerry	Specter
Conrad	Kohl	Stevens
Craig	Kyl	Thomas
Crapo	Landrieu	Thompson
Daschle	Lautenberg	Thurmond
DeWine	Levin	Torricelli
Dodd	Lincoln	Voinovich
Domenici	Lott	Warner
Dorgan	Lugar	Wellstone
Durbin	Mack	Wyden
Edwards	McCain	

#### NAYS—1

Leahy

NOT VOTING—4

Feinstein  
HelmsJeffords  
Lieberman

The joint resolution (H.J. Res. 110) was passed.

Mr. FITZGERALD. Mr. President, I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2001—CONFERENCE REPORT—Resumed

The PRESIDING OFFICER. The clerk will report the pending business.

The assistant legislative clerk read as follows:

A conference report to accompany H.R. 4578, an act making appropriations for the Department of the Interior and related agencies for fiscal year ending September 30, 2001, and for other purposes.

Mr. WELLSTONE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### SENATE AGENDA

Mr. LEAHY. Mr. President, the situation we are in right now is interesting. It is different from any similar period I can recall in nearly 26 years in the Senate. We are at the end of the fiscal year—we have actually gone beyond the end of the fiscal year—and nothing seems to be happening. I voted against the continuing resolution, not because I do not think we should keep the Government going—of course we should; it is unfortunate to close down the Government—but more to express my concern that we are not doing our business.

We have not passed our appropriations bills as we should. We all talk about how we make Government more efficient or how we make Government better. But imagine if you are running one of these Agencies or one of these Departments and you have to make the decisions for the year, and Congress, which has a mandate under law to pass the appropriations bills by September 30, we are here on October 5 and are nowhere near completing the bills.

Yet in a Congress that spends more time investigating than legislating, we are perfectly willing to have investiga-

tions and actually bring a lot of these Departments to a halt while we ask them question after question, even if the questions have already been asked, and yet we are unwilling to do our own work on time. It is not the way it can be done, and it is not the way it should be done.

I strongly urge Senators to consider next year when we come back, no matter who wins the Presidency, no matter who wins seats in the Senate or in the other body, that we spend more time trying to do things that actually help the country, that we set aside some of the partisanship and bitterness that has marked this Senate actually since impeachment time, which in itself was marked by partisanship when impeachment was rushed through in a lame duck House of Representatives and then passed over to this body. It appears in many ways we lost our footing at that time and never got back on course.

There are bills that have bipartisan support. There was one I was discussing on the floor a few minutes ago with the distinguished Senator from Colorado, the Campbell-Leahy bulletproof vest bill. This is a bill that provides money for bulletproof vests for law enforcement officers.

Senator CAMPBELL and I served in law enforcement before we came to Congress. We served at a time when much of law enforcement did not face the danger it does now, but we kept enough of our ties to law enforcement and so we know how difficult it is. We know that the men and women we send out to protect all of us are themselves so often the victims of the same criminals from whom they try to protect us.

Bulletproof vests are a \$500 or \$600 item. They wear out in 5 years. A lot of departments, especially small departments in States such as Vermont or rural areas like Texas, cannot afford these vests. I have letters from hundreds of law enforcement people from around the country who tell me that under the original Campbell-Leahy bill, they finally have a sense of security because they have bulletproof vests. We want to extend that for a couple more years. Yet we cannot even get a vote on it.

This is a bill which, if it is brought to a vote in this Chamber, I am willing to bet virtually every Senator, Republican and Democrat, will vote for. How can one vote against it? Yet there has been one hold on the Republican side of the aisle, and we cannot bring up this vital law enforcement piece of legislation.

I wanted to be sure—I am hearing from law enforcement agencies all across the country: Why can't you pass it?—so I actually made the point of checking with all 46 Democratic Senators: Do any of you have any objection to voting on this on a second's notice? They said: No, pass it by unanimous consent, if you want.

I ask whoever is holding it up on the other side not to continue to hold it up.

Mr. President, I return to ask the Republican leadership what is holding up enactment of the Bulletproof Vest Partnership Grant Act of 2000? This is a bill I introduced with Senator CAMPBELL and others last April. The Senate Judiciary Committee considered and reported the bill unanimously to the full Senate back in June. I have since been working to get Senate consideration, knowing that it will pass overwhelmingly if not unanimously.

Unfortunately, an anonymous "hold" on the Republican side prevented enactment before the Senate recessed in July. I have been unable to discover which Republican Senator opposes the bill or why, and that remains true today.

We have been working for several months to pass the Bulletproof Vest Partnership Grant Act of 2000. It has been cleared by all Democratic Senators.

That it has still not passed the full Senate is very disappointing to me, as I am sure that it is to our nation's law enforcement officers, who need life-saving bulletproof vests to protect themselves. Protecting and supporting our law enforcement community should not be a partisan issue.

Senator CAMPBELL and I worked together closely and successfully in the last Congress to pass the Bulletproof Vest Partnership Grant Act of 1998 into law. This year's bill reauthorizes and extends the successful program that we helped create and that the Department of Justice has done such a good job implementing.

I have charts here that show how successful the Bulletproof Vests Grant Program has been for individual states. In its first year of operation in 1999, the program funded the purchase of 167,497 vests with \$23 million in federal grant funds.

For the State of Alabama, the program funded the purchase of 2,287 bulletproof vests for law enforcement officers in 1999. For the State of California, the program funded the purchase of 28,106 bulletproof vests for law enforcement officers in 1999. For the State of Colorado, the program funded the purchase of 1,844 bulletproof vests for police officers in 1999.

For the State of Idaho, the program funded the purchase of 711 bulletproof vests for law enforcement officers in 1999. For the State of Michigan, the program funded the purchase of 2,932 bulletproof vests for law enforcement officers in 1999. For the State of Minnesota, the program funded the purchase of 1,052 bulletproof vests for law enforcement officers in 1999. For the State of Mississippi, the program funded the purchase of 1,283 bulletproof vests for law enforcement officers in 1999. For the State of Missouri, the program funded the purchase of 2,919 bulletproof vests for law enforcement officers in 1999.

For the State of New York, the program funded the purchase of 13,004 bulletproof vests for law enforcement officers in 1999. For the State of Oklahoma, the program funded the purchase of 3,042 bulletproof vests for law enforcement officers in 1999. For the State of Rhode Island, the program funded the purchase of 792 bulletproof vests for law enforcement officers in 1999. For the State of Utah, the program funded the purchase of 1,326 bulletproof vests for law enforcement officers in 1999. For my home State of Vermont, the program funded the purchase of 361 bulletproof vests for police officers in 1999. For big and small states, the program was a success in its first year.

I have a second chart that shows how successful the Bulletproof Vests Grant Program has been for individual states in its second year of operation. In 2000, the program funded the purchase of 158,396 vests with \$24 million in federal grant funds.

For the State of Alabama, the program funded the purchase of 2,498 bulletproof vests for law enforcement officers in 2000. For the State of California, the program funded the purchase of 27,477 bulletproof vests for law enforcement officers in 2000. For the State of Colorado, the program funded the purchase of 2,288 bulletproof vests for police officers in 2000.

For the State of Idaho, the program funded the purchase of 477 bulletproof vests for law enforcement officers in 2000. For the State of Michigan, the program funded the purchase of 3,427 bulletproof vests for law enforcement officers in 2000. For the State of Minnesota, the program funded the purchase of 709 bulletproof vests for law enforcement officers in 2000. For the State of Mississippi, the program funded the purchase of 1,364 bulletproof vests for law enforcement officers in 2000. For the State of Missouri, the program funded the purchase of 1,221 bulletproof vests for law enforcement officers in 2000.

For the State of New York, the program funded the purchase of 11,969 bulletproof vests for law enforcement officers in 2000. For the State of Oklahoma, the program funded the purchase of 3,389 bulletproof vests for law enforcement officers in 2000. For the State of Rhode Island, the program funded the purchase of 313 bulletproof vests for law enforcement officers in 2000. For the State of Utah, the program funded the purchase of 1,326 bulletproof vests for law enforcement officers in 2000. For my home State of Vermont, the program funded the purchase of 175 bulletproof vests for police officers in 2000. For the second year in a row, the program was a great success.

Mr. President, I ask unanimous consent that these two charts listing the number of bulletproof vests purchased and the Federal grant amounts for each state in 1999 and 2000 under the Bulletproof Vest Partnership Grant Program be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. LEAHY. The Bulletproof Vest Partnership Grant Act of 2000 builds on the success of this program by doubling its annual funding to \$50 million for fiscal years 2002-2004. It also improves the program by guaranteeing jurisdictions with fewer than 100,000 residents receiving the full 50-50 matching funds because of the tight budgets of these smaller communities and by making the purchase of stab-proof vests eligible for grant awards to protect corrections officers in close quarters in local and county jails.

We have 20 cosponsors on the new bill, including a number of Democrats and Republicans. This is a bipartisan bill that is not being treated in a bipartisan way. For some unknown reason a Republican Senator has a hold on this bill and has chosen to exercise that right anonymously.

More than ever before, police officers in Vermont and around the country face deadly threats that can strike at any time, even during routine traffic stops. Bulletproof vests save lives. It is essential that we update this law so that many more of our officers who are risking their lives everyday are able to protect themselves.

I hope that the mysterious "hold" on the bill from the other side of the aisle will disappear. The Senate should pass without delay the Bulletproof Vest Partnership Grant Act of 2000 and send to the President for his signature into law.

Before we recessed last July, I informed the Republican leadership that the House of Representatives had passed the companion bill, H.R. 4033, by an overwhelming vote of 413-3. I expressed my hope that the Senate would quickly follow suit and pass the House-passed bill and send it to the President. President Clinton has already endorsed this legislation to support our Nation's law enforcement officers and is eager to sign it into law.

I find it ironic that the Senate in July passed the Federal Law Enforcement Animal Protection Act, H.R. 1791. That bill increased the penalties for harming dogs and horses used by federal law enforcement officers. President Clinton signed that bill into law on August 2nd.

The majority acted quickly to protect dogs and horses used by law enforcement officers but has stalled action on legislation to provide life-saving protection for law enforcement officers themselves. The Senate should have moved as quickly in July to pass the Bulletproof Vest Partnership Grant Act of 2000 and sent it to the President for his signature into law.

Several more months have come and gone. Unfortunately, nothing has changed. Not knowing what the misunderstanding of our bill is, I find it impossible to overcome an anonymous, unstated objection. I, again, ask whoever it is on the Republican side who

has a concern about this program to please come talk to me and to Senator CAMPBELL. I hope that the Senate will do the right thing and pass this important legislation without further unnecessary delay.

#### EXHIBIT 1

#### BULLETPROOF VEST PARTNERSHIP GRANT ACT—YEAR 1999

State	Total vests	Approved amount
Alabama	2,287	\$230,343.84
Alaska	395	90,309.65
Arizona	1,705	334,099.97
Arkansas	778	180,830.13
California	28,106	2,843,427.56
Colorado	1,844	303,622.83
Connecticut	3,637	547,507.96
Delaware	1,526	69,533.76
District of Columbia	844	44,899.70
Florida	9,641	985,708.59
Georgia	4,067	528,480.98
Guam	145	6,000.00
Hawaii	330	100,865.57
Idaho	711	101,673.49
Illinois	9,035	1,337,252.98
Indiana	5,375	774,582.31
Iowa	1,954	441,262.08
Kansas	1,257	195,605.72
Kentucky	1,510	234,990.82
Louisiana	3,112	330,409.06
Maine	626	161,374.59
Maryland	3,772	329,998.45
Massachusetts	2,255	274,032.76
Michigan	2,932	658,931.12
Minnesota	1,052	146,378.98
Mississippi	1,283	201,931.59
Missouri	2,919	478,933.33
Montana	435	101,647.37
Nebraska	905	127,329.90
Nevada	394	84,441.26
New Hampshire	450	143,632.09
New Jersey	5,336	838,439.10
New Mexico	1,388	321,910.87
New York	13,004	1,240,481.60
North Carolina	5,974	750,998.79
North Dakota	397	81,443.98
Northern Mariana Islands	375	38,000.00
Ohio	5,506	1,084,863.95
Oklahoma	3,042	348,374.03
Oregon	1,847	342,712.74
Pennsylvania	8,360	1,018,781.60
Puerto Rico	1,496	212,091.20
Rhode Island	792	192,873.46
South Carolina	2,286	451,685.53
South Dakota	228	57,206.42
Tennessee	2,576	331,638.90
Texas	9,245	1,350,816.23
Utah	1,326	325,181.42
U.S. Virgin Island	356	6,000.00
Vermont	361	96,386.81
Virginia	3,559	426,197.77
Washington	1,840	387,177.81
West Virginia	645	128,878.93
Wisconsin	2,065	441,721.01
Wyoming	221	49,814.46
Total	167,497	22,913,725.04

#### BULLETPROOF VEST PARTNERSHIP GRANT ACT—YEAR 1999

State	Number vests	BVP funding
Alabama	2,498	333,476.91
Alaska	202	38,435.26
Arizona	2,569	474,444.89
Arkansas	408	164,433.89
California	27,477	2,983,332.71
Colorado	2,288	388,322.15
Connecticut	1,904	308,881.86
Delaware	2,214	216,210.35
District of Columbia	1,580	171,768.76
Florida	11,769	1,433,916.06
Georgia	4,780	749,046.97
Guam	145	6,000.00
Hawaii	2,331	388,037.21
Idaho	477	120,627.95
Illinois	6,761	923,328.88
Indiana	3,842	513,415.07
Iowa	1,011	210,632.67
Kansas	1,048	201,192.38
Kentucky	1,363	241,682.86
Louisiana	3,510	421,933.86
Maine	576	120,651.83
Maryland	2,782	265,643.15
Massachusetts	3,582	754,073.82
Michigan	3,427	622,564.00
Minnesota	709	234,776.23
Mississippi	1,364	239,899.81
Missouri	1,221	224,177.96
Montana	271	80,877.76
Nebraska	622	90,276.24
Nevada	1,176	141,612.32
New Hampshire	489	118,470.26
New Jersey	5,579	1,227,933.41

BULLETPROOF VEST PARTNERSHIP GRANT ACT—YEAR  
1999—Continued

State	Number vests	BVP funding
New Mexico .....	1,195	200,141.76
New York .....	11,969	1,817,314.92
North Carolina .....	3,183	530,987.91
North Dakota .....	352	43,284.36
Northern Mariana Islands .....	355	107,033.50
Ohio .....	5,015	950,198.19
Oklahoma .....	3,389	562,865.11
Oregon .....	2,456	416,464.24
Pennsylvania .....	8,260	1,577,238.20
Puerto Rico .....	1,337	147,861.47
Rhode Island .....	313	84,417.94
South Carolina .....	1,727	256,551.50
South Dakota .....	157	27,845.87
Tennessee .....	2,154	286,436.37
Texas .....	5,962	802,886.82
U.S. Virgin Island .....	341	45,361.11
Utah .....	837	171,546.50
Vermont .....	175	43,806.27
Virginia .....	3,415	446,645.52
Washington .....	2,690	525,935.54
West Virginia .....	512	75,650.56
Wisconsin .....	2,418	437,207.69
Wyoming .....	159	44,134.89
Total .....	158,396	24,005,803.78

## JUDICIAL NOMINATIONS

Mr. LEAHY. Mr. President, today is October 5, the first anniversary of an event I hope I will not see again in the Senate. I have spoken many times about the Senate being the conscience of the Nation, and it should be. A year ago today, I believe the country was harmed by a party-line vote. That party-line vote defeated the nomination of Justice Ronnie White to the Federal district court in Missouri. Justice White, on the Missouri Supreme Court, had the highest qualifications. He passed through the Senate Judiciary Committee. He had the highest ABA ratings. He is a distinguished African American jurist. Yet when it came to a vote, every Democrat voted for him and every Republican voted against him. I believe that was a mistake and one we will regret. I spoke on this nomination on October 15 and 21 of last year and more recently this year.

Fifty-one years ago this month—I was 9 years old—the Senate confirmed President Truman's nomination of William Henry Hastings to the Court of Appeals for the Third Circuit. That was actually the first Senate confirmation of an African American to our Federal courts—only 51 years ago. Thirty-one years ago, the Senate confirmed President Johnson's nomination of Thurgood Marshall to the U.S. Supreme Court. When we rejected Ronnie White, I wonder if we went backward or we moved forward.

This year, the Judiciary Committee has even refused to move forward with a hearing on Roger Gregory or Judge James Wynn to the Fourth Circuit. It is interesting—talk about bipartisanship—one of these men is a distinguished African American, a legal scholar, strongly supported by both the Republican and Democratic Senators from his State. Senator WARNER, a distinguished and respected Member of this body and a Republican, strongly supports him. Senator ROBB, an equally distinguished and respected Member of this body and a Democrat, a decorated war hero, also supports him, and the President nominated him. We cannot even get a vote.

I hope this does not continue. I suggest, again, whoever wins the Presidency, whoever wins seats or loses seats in the Senate, that we not do this next year.

This year, the Judiciary Committee reported only three nominees to the Court of Appeals all year. We denied a committee vote to two outstanding nominees who succeeded in getting hearings. I understand the frustration of Senators who know Roger Gregory, Judge James Wynn, Kathleen McCree Lewis, Judge Helene White, Bonnie Campbell, and others should have been considered and voted on.

There are multiple vacancies on the Third, the Fourth, Fifth, Sixth, Ninth, Tenth, and District of Columbia Circuits; 23 current vacancies. Our appellate courts have nearly half of the judicial vacancies in the Federal court system. That has to change. I hope it will.

I see my distinguished colleague and friend from Texas on the floor. I want to assure her I will yield the floor very soon.

But I hope we can look again and ask ourselves objectively, without any partisanship, can we not do better on judges?

I quoted Gov. George Bush on the floor a couple days ago. I said I agreed with him. On nominations, he said we should vote them up or down within 60 days. If you don't want the person, vote against them. The Republican Party should have no fear of that. They have the majority in this body. They can vote against them if they want, but have the vote. Either vote for them or vote against them. Don't leave people such as Helene White and Bonnie Campbell—people such as this—just hanging forever without even getting a rollover vote. That is wrong. It is not a responsible way and besmirches the Senate, this body that I love so much.

I consider it a privilege to serve here. This is a nation of a quarter of a billion people; and only 100 of us can serve at any one time to represent this wonderful Nation. It is a privilege that our States give us. We should use the privilege in the most responsible way to benefit all of us.

When Senators do not vote their conscience, they risk the debacle that we witnessed last October 5th, when a partisan political caucus vote resulted in a fine man and highly qualified nominee being rejected by all Republican Senators on a party-line vote. The Senate will never remove the blot that occurred last October when the Republican Senators emerged from a Republican Caucus to vote lockstep against Justice White. At a Missouri Bar Association forum last week, Justice White expressed concern that the rejection of his nominations to a Federal judgeship will have a "chilling effect" on the desire of other young African American lawyers to seek to serve on our judiciary.

President Clinton has tried to make progress on bringing greater diversity to our federal courts. He has been suc-

cessful to some extent. With our help, we could have done so much more. We will end this Congress without having acted on any of the African American nominees, Judge James Wynn or Roger Gregory, sent to us to fill vacancies on the Fourth Circuit and finally integrate the Circuit with the highest percentage of African American population in the country, but the one Circuit that has never had an African American judge. We could have acted on the nomination of Kathleen McCree Lewis and confirmed her to the Sixth Circuit to be the first African American woman to sit on that Court. Instead, we will end the year without having acted on any of the three outstanding nominees to the Sixth Circuit pending before us.

This Judiciary Committee has reported only three nominees to the Courts of Appeals all year. We have held hearings without even including a nominee to the Courts of Appeals and denied a Committee vote to two outstanding nominees who succeeded in getting hearings. I certainly understand the frustration of those Senators who know that Roger Gregory, Judge James Wynn, Kathleen McCree Lewis, as well as Judge Helene White, Bonnie Campbell and others should have been considered by this Committee and voted on by the Senate this year.

There continue to be multiple vacancies on the Third, Fourth, Fifth, Sixth, Ninth, Tenth and District of Columbia Circuits. With 23 current vacancies, our appellate courts have nearly half of the total judicial emergency vacancies in the federal court system. I note that the vacancy rate for our Courts of Appeals is more than 12 percent nationwide. If we were to take into account the additional appellate judgeships included in the Hatch-Leahy Federal Judgeship Act of 2000, S.3071, a bill that was requested by the Judicial Conference to handle current workloads, the vacancy rate on our federal courts of appeals would be more than 17 percent.

The Chairman declares that "there is and has been no judicial vacancy crisis" and that he calculates vacancies at "less than zero." The extraordinary service that has been provided by our corps of senior judges does not mean there are no vacancies. In the federal courts around the country there remain 63 current vacancies and several more on the horizon. With the judgeships included in the Hatch-Leahy Federal Judgeship Act of 2000, there would be over 130 vacancies across the country. That is the truer measure of vacancies, many of which have been long-standing judicial emergency vacancies in our southwest border states. The chief judges of both the Fifth and Sixth Circuits have had to declare their entire courts in emergencies since there are too many vacancies and too few circuit judges to handle their workload.

The chairman misconstrues the lessons of the 63 vacancies at the end of



the 103rd Congress in 1994. I would point out that in 1994 the Senate confirmed 101 judges to compensate for normal attrition and to fill the vacancies and judgeships created in 1990. In fact, that Congress reduced the vacancies from 131 in 1991, to 103 in 1992, to 112 in 1993, to 63 in 1994. Vacancies were going down and we were acting with Republican and Democratic Presidents to fill the 85 judgeships created by a Democratic Congress under a Republican President in 1990. Since Republicans assumed control of the Senate in the 1994 election the Senate has not even kept up with normal attrition. We will end this year with more vacancies than at the end of the session in 1994. As I have pointed out, the vacancies are most acute among our courts of appeals. Further, we have not acted to add the judgeships requested by the Judicial Conference to meet increased workloads over the last decade.

According to the Chief Justice's 1999 year-end report, the filings of cases in our Federal courts have reached record heights. In fact, the filings of criminal cases and defendants reached their highest levels since the Prohibition Amendment was repealed in 1933. Also in 1999, there were 54,693 filings in the 12 regional courts of appeals. Overall growth in appellate court caseload last year was due to a 349 percent upsurge in original proceedings. This sudden expansion resulted from newly implemented reporting procedures, which more accurately measure the increased judicial workload generated by the Prisoner Litigation Reform Act and the Antiterrorism and Effective Death Penalty Act, both passed in 1996.

Let me also set the record straight, yet again, on the erroneous but oft-repeated argument that "the Clinton Administration is on record as having stated that a vacancy rate just over 7 percent is virtual full-employment of the judiciary." That is not true.

The statement can only be alluded to an October 1994 press release. It should not be misconstrued in this manner. That press release was pointing out that at the end of the 103rd Congress if the Senate had proceeded to confirm the 14 nominees then pending on the Senate calendar, it would have reduced the judicial vacancy rate to 4.7 percent, which the press release then proceeded to compare to a favorable unemployment rate of under 5 percent.

Unfortunately, the chairman's assertions are demonstrably false. Contrary to his statement, the Justice Department's October 12, 1994 press release that he cites does not equate a 7.4 percent vacancy rate with "full employment," but rather a 4.7 percent rate. Additionally, the vacancy rate was not reduced to 4.7 percent in 1994, and stands at three times that today.

The Justice Department release was not a statement of administration position or even a policy statement but a poorly designed press release that included an ill-conceived comment. Job vacancy rates and unemployment rates

are not comparable. Unemployment rates are measures of people who do not have jobs not of Federal offices vacant without an appointed office holder.

When I learned that some Republicans had for partisan purposes seized upon this press release, taken it out of context, ignored what the press release actually said and were manipulating it into a misstatement of Clinton administration policy, I asked the Attorney General, in 1997, whether there was any level or percentage of judicial vacancies that the administration considered acceptable or equal to "full employment."

The Department responded:

There is no level or percentage of vacancies that justifies a slow down in the Senate on the confirmation of nominees for judicial positions. While the Department did once, in the fall of 1994, characterize a 4.7 percent vacancy rate in the federal judiciary as the equivalent of the Department of Labor 'full employment' standard, that characterization was intended simply to emphasize the hard work and productivity of the Administration and the Senate in reducing the extraordinary number of vacancies in the federal Article III judiciary in 1993 and 1994. Of course, there is a certain small vacancy rate, due to retirements and deaths and the time required by the appointment process, that will always exist. The current vacancy rate is 11.3 percent. It did reach 12 percent this past summer. The President and the Senate should continually be working diligently to fill vacancies as they arise, and should always strive to reach 100 percent capacity for the Federal bench.

At no time has the Clinton administration stated that it believes that 7 percent vacancies on the federal bench is acceptable or a virtually full federal bench. Only Republicans have expressed that opinion. As the Justice Department noted three years ago in response to an inquiry on this very questions, the Senate should be "working diligently to fill vacancies as they arise, and should always strive to reach 100 percent capacity for the federal bench."

Indeed, I informed the Senate of these facts in a statement in the CONGRESSIONAL RECORD on July 7, 1998, so that there would be no future misunderstanding or misstatement of the record. Nonetheless, in spite of the facts and in spite of my July 1998 statement and subsequent statements on this issue over the past three years, these misleading statements continue to be repeated.

Ironically, the Senate could reduce the current vacancy rate to under 5 percent if we confirmed the 39 judicial nominees that remain bottled up before the Judiciary Committee. Instead of misstating the language of a 6-year-old press release that has since been discredited by the Attorney General herself, the chairman would have my support if we were working to get those 39 more judges confirmed.

I regret to report again today that the last confirmation hearing for federal judges held by the Judiciary Committee was in July, as was the last

time the Judiciary Committee reported any nominees to the full Senate. Throughout August and September and now into the first week in October, there have been no additional hearings held or even noticed, and no executive business meetings have included any judicial nominees on the agenda. By contrast, in 1992, the last year of the Bush administration, a Democratic majority in the Senate held three confirmation hearings in August and September and continued to work to confirm judges up to and including the last day of the session.

I continue to urge the Senate to meet its responsibilities to all nominees, including women and minorities. So long as the Senate is in session, I will urge action. That highly-qualified nominees are being needlessly delayed is most regrettable. The Senate should join with the President to confirm well-qualified, diverse and fair-minded nominees to fulfill the needs of the Federal courts around the country.

As I noted on the floor earlier this week, the frustration that many Senators feel with the lack of attention this Committee has shown long pending judicial nominees has simply boiled over. I understand their frustration and have been urging action for some time. This could all have been easily avoided if we were continuing to move judicial nominations like Democrats did in 1992, when we held hearings in September and confirmed 66 judges that Presidential election year.

I regret that the Judiciary Committee and the Senate is not holding additional hearings, that we only acted on 39 nominees all year and that we have taken so long on so many of them. I deeply regret the lack of a hearing and a vote on so many qualified nominees, including Roger Gregory, Judge James Wynn, Judge Helene White, Bonnie Campbell, Enrique Moreno, Allen Snyder and others. And, I regret that a year ago today, the Senate rejected the nomination of Justice Ronnie White to the Federal District Court of Missouri on a partisan, party-line vote.

Mr. REID. Will the Senator yield for a question?

Mr. LEAHY. I yield for a question.

Mr. REID. I say to my friend from Vermont, the bulletproof vest bill that you wrote and that you have spoken about here on the floor this morning—is that right?

Mr. LEAHY. That is right.

Mr. REID. It would greatly benefit rural Nevadans; is that not right?

Mr. LEAHY. There is no question it would benefit rural Nevada. Of course, the distinguished deputy leader was in law enforcement himself. He knows the threat that police officers face. That threat is not exclusive to big cities, by any means.

Mr. REID. I say to my friend, the lead Democrat on the Judiciary Committee, Nevada is an interesting State. Seventy percent of the people in Nevada live in the metropolitan Las



Vegas area. Another about 20 percent live in the Reno metropolitan area. The 10 percent who are spread out around the rest of the State cover thousands and thousands of square miles, and there are many small communities that do not have the resources that the big cities have to provide, for example, bulletproof vests.

I say to my friend from Vermont, do you agree that people who work in rural America in law enforcement deserve the same protection as those who work in urban centers throughout America?

Mr. LEAHY. There is no question about it. In fact, in the 1999 bill they were able to purchase nearly 400 vests, many of those in the rural areas. If we get this through, now they can purchase 1,176 vests.

I say this because the Senate moved very quickly to pass a bill that increased the penalties if we harmed dogs or horses used by law enforcement. In other words, we could quickly zip this through and pass a bill saying the penalty will be increased if one harms a dog or horse used by law enforcement, but, whoops, we can't pass a bipartisan piece of legislation protecting the law enforcement officer himself or herself. I think of Alice in Wonderland, I have to admit, under those circumstances.

Mr. REID. I say to my friend, I am happy we are looking out for animals. I support that and was aware of that legislation, but I think it is about time we started helping some of these rural police departments in Nevada that are so underfunded and so badly in need of this protection.

Mr. LEAHY. I say to my friend from Nevada, I, too, support the bill protecting animals in law enforcement. But I wish we could have added this other part. If you have the police officer out with the police dog, that police officer deserves protection. If you have a police officer out there with a horse—in many parts of both urban and rural areas horses are still used for a number of reasons by police officers—then let's also protect the police officer.

Mr. President, I yield the floor.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER (Mr. ALLARD). The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent, on behalf of the leader, at 1 o'clock today, the Senator from Illinois, Mr. FITZGERALD, be recognized to make closing remarks on the Interior appropriations conference report for up to 45 minutes, and following the use or yielding back of time, the cloture vote occur, notwithstanding rule XXII, and following that vote, if invoked, the conference report be considered under the following time restraints: 10 minutes equally divided between the two managers, 10 minutes equally divided between the chairman and ranking member of Appropriations; 30 minutes under the control of Senator LANDRIEU, 15 minutes under the control of Senator MCCAIN.

I further ask consent that following the use or yielding back of time, the Senate proceed to vote on adoption of the conference report, without any intervening action or debate.

Mr. REID. Reserving the right to object, I wonder if the Senator would be kind enough to change the time until 2 o'clock. I think that has been agreed to on your side. I did not hear. Senator FITZGERALD is to be given 1 hour rather than 45 minutes.

Mrs. HUTCHISON. Mr. President, that is acceptable. We could change the time to start at 2 o'clock today, with Senator FITZGERALD having 1 hour.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mrs. HUTCHISON. In light of this agreement, Mr. President, the next vote will be at approximately 3 o'clock.

Let me revise, once again, the unanimous consent request to begin at 1 o'clock, leaving the 1-hour timeframe for Mr. FITZGERALD; therefore, in light of the agreement, the vote would occur at approximately 2 o'clock, with another vote on adoption of the conference report at 3:30 today. If I could wrap all of that in together as a unanimous consent request, that would be my hope. I make that unanimous consent request.

The PRESIDING OFFICER. Is there objection?

Mr. REID. The confusion is not on the part of the Senator from Texas. It is my confusion. I apologize for inserting that 2 o'clock time. There was some confusion on my part. The debate will start at 1 and we will vote around 2.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent to speak as in morning business for up to 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### JUDICIAL APPOINTMENTS

Mrs. HUTCHISON. Mr. President, having heard my distinguished colleague from Vermont talk about the judicial selection process, I rise to commend Senator HATCH and his leadership of the Judiciary Committee.

It is very difficult to accommodate all of the requests and responsibilities that are entailed in a lifetime appointment to the Federal bench. I think Senator HATCH has done the very best job he possibly could in getting appointments through, appointments that are reflective of Clinton administration priorities. The vast majority of Clinton appointees have gone through. In my home State of Texas, we have had 20 nominations. Senator GRAMM and I have supported 18 of those, and 17 have gone through. There is still one pending that we support.

I think Senator HATCH has bent over backwards to do his due diligence but to respect the wishes of the Democratic side and the administration. I don't want to leave unchallenged some of the

comments made that indicate that serious consideration has not been given to every single Clinton appointee and that in most cases those appointees have been put forward.

It is important that a lifetime appointment be scrutinized because there is no accountability of that lifetime appointment. We need to look at all of the factors surrounding a particular nominee, knowing the power that a Federal judge has and that the accountability is limited.

I applaud Senator HATCH. I think he has done a terrific job under very difficult circumstances. I hope he will continue the due diligence and also continue apace with the nominations process.

#### HOSPITAL PRESERVATION ACT

Mrs. HUTCHISON. Mr. President, I rise to discuss the Hospital Preservation Act that Senator ABRAHAM and I introduced last year. We achieved partial relief for hospitals last year, but we have reintroduced it this year in an attempt to get more relief for the beleaguered hospitals of our country.

Today we have both the House Ways and Means Committee and the Senate Finance Committee working on this very important legislation. We will have legislation that will, at least for this year, restore the cuts that are being made to our hospitals in Medicare payments, but I am hoping we can get more. In fact, there are many areas of our health care system that have been undercut by a combination of the Balanced Budget Act and have actually been cut even more forcefully by the Health Care Financing Administration than was ever intended by Congress.

When we passed the Balanced Budget Act, we said we would look at the effects, and if we needed to refine it in any way, we would do that. Congress has met its responsibility in that regard. We had the Balanced Budget Act Refinement Act passed. We have come back and restored cuts that were too much. That is what we are doing in the bill that is before us or will be before us very soon, that is now being considered by the House Committee on Ways and Means and the Senate Finance Committee. In fact, the legislation would increase payments to hospitals, nursing homes, home health care agencies, managed care organizations, and other health providers that are paid under Medicare.

This legislation is needed especially for our hospitals because they are the front line of our health care delivery system. This legislation builds on legislation Congress passed last year that reversed some of the cuts in provider payments that did result from the Balanced Budget Act and from excessive administrative actions taken by the Health Care Financing Administration.

Last year's bill contained important provisions that have helped preserve the ability of American hospitals to continue to provide the highest level of health care anywhere in the world. The Balanced Budget Refinement Act that

Congress passed last year did make the situation a little brighter for some of these struggling hospitals. It eases the transition from cost-based reimbursement to prospective payment for hospital outpatient services. It restores some of the cuts to disproportionate share payments, and it provides targeted relief for teaching hospitals and cancer and rehabilitation hospitals.

I was proud to have been the prime advocate in the Senate for one of the provisions in that bill that restored the full inflation update for inpatient hospital services for sole community provider hospitals, those located primarily in rural areas that provide the only institutional care in a 35-mile geographic area. However, last year's bill was really just a start. I think we have all heard from hospitals that they are really hurting. Hospitals are actually beginning to close, in Texas and all over the Nation. Independent estimates are that this trend will only get worse unless something is done.

I and many of my colleagues in Congress continue to hear from hospital administrators, trustees, health professionals that they were struggling to maintain the quality and variety of health services in the face of mounting budget pressures. With the statutory and HCFA-imposed cuts that they were seeing, many efficiently run hospitals began for the first time to run deficits and threaten closure. For many of these hospitals to close, particularly those in rural areas, would mean not only the loss of life-saving medical services to the residents of the area but also the loss of a core component of local communities. Jobs would be lost. Businesses would wither, and the sense of community and stability a local hospital brings would suffer.

My colleague, Senator Spence ABRAHAM of Michigan, and I began the task of looking for the best way to provide significant assistance to these hospitals to make sure the payments they were receiving for taking Medicare patients were fair and adequate to enable them to continue serving our Nation's seniors, and also to have the support they need to run their hospitals. We decided to try to expand the sole community provider hospital provision to all hospitals.

The bill we have introduced will make sure that Medicare payments for inpatient services actually keep up with the rate of hospital inflation. We will restore the full 1.1 percent in scheduled reductions from the annual inflation updates for inpatient services called for by the Balanced Budget Act. Moreover, rather than just applying to a small group of hospitals, this legislation would benefit every hospital in America, providing an estimated \$7.7 billion in additional Medicare payments over the next 5 years.

Now, you may ask, where is that \$7.7 billion going to come from? Well, when we passed the Balanced Budget Act, we projected savings of \$110 billion over the 5-year period that should have oc-

curred from the cuts we put in the Balanced Budget Act. But, in fact, instead of \$110 billion, we are now projecting \$220 billion in savings. So the \$7.7 billion just for this part of the bill has already been saved, and \$100 billion more is estimated when you take into account the whole 5 years.

So the bottom line is, we cut too much; we are going to restore part of those cuts; and we are still going to be approximately \$100 billion ahead. So we will have saved \$100 billion, as we intended to do, but we will restore the cuts that have caused such hardships to the hospitals throughout our country.

The bill that is being considered by the House Ways and Means Committee contains a full 1-year restoration in the inflation update for hospitals. The pending Senate Finance Committee bill would restore the cuts in 2001, but it only delays the 2002 cuts until 2003. This is progress.

I so appreciate Senator ROTH and Senator MOYNIHAN's efforts in the Senate Finance Committee. But I don't want to delay those cuts. I want to restore the cuts for the full 2 years. I hope that in the end we can go ahead and do that because these hospitals need to know that there is a stability in their budgeting, that they will be able to look at the restoration in the cuts for the next 2 years. They need to be able to plan. They need to know they will have the adequate funding for Medicare that they must have to give the services in the community and to support the hospital for all of the people and the health care needs of the community.

So we are not doing anything that would bust the budget or go into deficits. The fact is, this is a refinement. We have cut \$100 billion too much, and we are restoring \$8 billion of that.

In the bill that is being considered by the Senate Finance Committee, we also will strengthen the Medicare payments for the disproportionate share hospitals, for home health care agencies, for graduate medical education, and for Medicare+Choice plans. We are not out of the woods, but we are taking a major step in the right direction.

I commend Senator ROTH for his leadership of the committee, along with Senator MOYNIHAN. I implore Congress to move swiftly on this very important legislation. We cannot go out of session without addressing the issue of keeping our hospitals from suffering disastrous cuts in Medicare—cuts that they cannot absorb and cuts that are not warranted. This is our responsibility, Mr. President.

I thank my colleague, Senator ABRAHAM, for helping me so much on this issue. He has been a leader. After listening to hospital personnel in his home State of Michigan, he came to me and said, "We have to do something; let's do it together," and I said, "Great," because we must act before we leave this year in Congress. We cannot go forward without addressing this

very important issue for the hospitals and health care providers of our country.

#### CERTIFICATION OF MEXICO

Mrs. HUTCHISON. Mr. President, I want to speak briefly on a sense-of-the-Senate resolution I have introduced on behalf of myself and Senators GRASSLEY, GRAMM, KYL, DOMENICI, DODD, FEINSTEIN, HOLLINGS, and SESSIONS.

We have submitted this sense-of-the-Senate resolution to deal with the issue of the certification of Mexico. Several of us introduced a bill earlier in the session after the election of the new President of Mexico, Vicente Fox, to try to address the issue of two new administrations in both of our countries that will be faced with the automatic certification of the issue of how we are dealing with illegal drug trafficking as a bilateral effort in our two countries, but with two administrations that have not had time to sit down and come up with a plan that would cooperate fully in this very important effort.

Since time is so short, we have come up with a sense-of-the-Senate resolution that I think will at least say it is the will of the Senate. If we can pass this before we adjourn sine die, I think it will be a major step in the right direction to give some relief to the two new Presidents who will be sworn in for both of our countries and to say, first of all, we in the Senate take this very seriously. One of the most important issues for our countries is dealing with illegal drug trafficking between Mexico and the United States. Realizing that neither President could be held accountable yet for the programs that should be put in place, we are going to have a 1-year moratorium.

This is the sense-of-the-Senate resolution:

Whereas Mexico will inaugurate a new government on 1 December 2000 that will be the first change of authority from one party to another;

Whereas the 2nd July election of Vincente Fox Quesada of the Alliance for Change marks an historic transition of power in open and fair elections;

Whereas Mexico and the United States share a 2,000 mile border, Mexico is the United States' second largest trading partner, and the two countries share historic and cultural ties;

Whereas drug production and trafficking are a threat to the national interests and the well-being of the citizens of both countries;

Whereas U.S.-Mexican cooperation on drugs is a cornerstone for policy for both countries in developing effective programs to stop drug use, drug production, and drug trafficking; Now, therefore, be it

#### Resolved,

(a) The Senate, on behalf of the people of the United States

(1) welcomes the constitutional transition of power in Mexico;

(2) congratulates the people of Mexico and their elected representatives for this historic change;

(3) expresses its intent to continue to work cooperatively with Mexican authorities to promote broad and effective efforts for the health and welfare of U.S. and Mexican citizens endangered by international drug trafficking, use, and production.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the incoming new governments in both Mexico and the United States must develop and implement a counterdrug program that more effectively addresses the official corruption, the increase in drug traffic, and the lawlessness that has resulted from illegal drug trafficking, and that a one-year waiver of the requirement that the President certify Mexico is warranted to permit both new governments time to do so.

I appreciate very much Senator GRASSLEY working with me on this sense-of-the-Senate resolution. All of my cosponsors represent a bipartisan effort across the borders and across both sides of the aisle.

Mr. President, I want to just say I went to Mexico leading a delegation of Members of Congress. It was the first congressional delegation to visit Mexico with the new President-elect, and we were able to sit down and visit with both President Zedillo, the President of Mexico, and the President-elect, Vicente Fox. I want to say how encouraged we were with the dynamism of President-elect Fox, with his absolute assurance that this drug issue is one of the most important of all the issues between our two countries, and they promised to work hand in hand with the new administration that will be elected in the United States in November, and with Members of Congress to do everything they can working with us to cooperate in stopping the cancer on both of our countries that this drug trafficking is causing.

When we have a criminal element in Mexico and a criminal element in the United States, that is bad for both of our countries. It is preying on the ability of our country to have full economic freedom, to grow and prosper, and to have friendly relations across our borders. The drug trafficking issue is the big cloud over both of our countries. I believe that President-Elect Fox is going to pursue this vigorously.

I also want to say that President Zedillo has taken major steps in that direction for his country. He, first of all, laid the groundwork for the democracy that clearly was shown in this last election. Instead of handpicking a successor and not allowing free primaries, he did the opposite. He allowed the free primaries and he said in every way they were going to have open and free elections. President Zedillo has made his mark on Mexico. He was a very important President for recognizing that the time had come for free and open elections in Mexico. He is to be commended, and I think he will go down in the history books as one of the great Presidents of Mexico.

In addition, President Zedillo tried very hard to cooperate in the effort that we were making in drug trafficking. I would say that no one believes that we are nearly where we need to be in that regard. But I think he took some very important first steps.

I see a ray of sunshine in Mexico. Our country to the South is a very important country to the United States.

They are our friends. We share cultural ties. We share family ties.

It is in all of our interests that we have the strongest bond between Mexico and the United States—just as we have with Canada and the United States. These are our borders. I have always said that I believe the strengthening of our hemisphere is going to be a win for all three of our countries.

I want to go all the way through the tip of South America in our trading relations and in the building of all of our economies because I think that is our future. Our countries depend on each other. We are interdependent, and our friendship and our alliances will be important for the security and viability of all of our countries in the Western Hemisphere.

I am very pleased that we have introduced this sense of the Senate. I urge my colleagues to help us pass this sense of the Senate so that we will be able, next session, to say that the Senate has spoken, and that we want to give some time to certification so that our countries can go forward with our two new Presidents and have a strong working relationship.

Thank you, Mr. President. I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CRAIG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAIG. Mr. President, I ask unanimous consent I be allowed to speak for no more than 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ENERGY POLICY

Mr. CRAIG. Mr. President, my attention was drawn this morning to an article in the Washington Times where our Secretary of Energy, Bill Richardson, defends energy policy by saying something that I found fascinating, to the point of absurdity. He says, "We are not in an energy crisis."

I am not quite sure how Mr. Richardson defines "crisis," but I do know Mr. Richardson has recognized, at least for 12 months, a problem. Am I to understand that the reason for the absence of an energy policy in the Clinton administration is that we recognize a problem, but we are not going to do anything about it until it becomes a crisis?

Home heating oil last year, in the Northeast, began at 80 cents to 90 cents a gallon. It went to nearly \$2 before that season was over. It was contracted this summer at \$1.19, and it is now selling at \$1.40. I call that a crisis if I am low income and I want a warm home this winter. I call it a crisis if I want to travel cross-country and I can't afford to fill my gas tank. I call it a crisis if I am a trucker and I can't up my con-

tracts to absorb my fuel or energy costs and I must turn my truck back in, as thousands are now doing—turning their trucks back in on the lease programs under which they acquired them when they planned to move the commerce of America across this country.

Mr. Secretary, earlier this year, you flew numerous times to the Middle East with a tin cup in hand, begging the sheiks of the OPEC nations to turn the valve on just a little bit and let out a little more oil, hopefully dropping the price of crude and therefore lowering the cost at the pump. For a moment in time it worked. Then the price started ratcheting up as the markets began to understand that what had happened was pretty much artificial and pretty much rhetorical in nature and that, in fact, the supplies had not increased to offset the demand.

While all of that was going on, underneath the surface of this issue were a few basic facts. We have lost over 30 refineries in the last decade because they couldn't afford to comply with the Clean Air Act; they couldn't retrofit in a profitable way. They were not given tax credits and other tools because it was "big oil" and you dare not cause them any benefits that might ultimately make it to the marketplace so the consumer could ultimately benefit. Those refineries went down.

Here we are at a time when the price of crude oil peaked and the Vice President ran to the President and said please release SPR, and that has been done, or at least it is now being organized to be done, and it may lower prices. Yet that was a Strategic Petroleum Reserve that was destined to be used only for a crisis. And the Secretary of Energy says no crisis. He himself said yesterday before the National Press Club there is no energy crisis in this country. But there was a crisis last week and the President agreed to release the oil out of SPR.

I don't get it. I do not think I am that ignorant. I serve on the Energy Committee. We reviewed this. We have argued for a decade that there is a problem in the making, but this administration will not put down a policy, even though they see a problem, unless the problem becomes a crisis.

But now there is not a crisis, so why are we releasing the Strategic Petroleum Reserve, which was designed not only for a crisis but for a national emergency, one that was inflicted upon us by a reduction or a stoppage of the flow of foreign crude coming into our economy that might put our economy at risk.

The Secretary says we have a short-term problem and we will work it out in time.

Mr. Secretary, what does "working it out" mean? Have you proffered or proposed a major energy policy before the Congress of the United States? No, you

have not. Have you suggested an increase in production of domestic resources so we could lower our dependency on foreign oil? No, you have not, Mr. Secretary.

So the American public ought to be asking of this administration, the Vice President, the President, and the Secretary of Energy: Mr. Secretary, Mr. President, and Mr. Vice President, if there is no crisis, then why are you tapping the very reserves that we have set aside for a time of crisis? Somehow it doesn't fit.

There were political allegations 3 or 4 weeks ago when the Vice President was asking the President to release the petroleum reserve. He was saying there was a crisis, or a near crisis. That got done. And yesterday,

In remarks before the National Press Club, [Secretary] Richardson said the "political campaign" was behind Gore's accusations against [big] oil companies and that a surge in demand for oil in the United States and abroad is the real reason gasoline, heating oil and natural-gas prices have soared this year. "We are not in an energy crisis."

Mr. Secretary, if you are traveling or if you are not wealthy and you have to pick up the 100 percent increased cost in your energy bills and your heating bills, I am going to tell you that is a crisis. But my guess is, it is typical of this administration, a problem is a problem until there is a crisis, and then you find a solution; 8 years without a solution to this problem spells crisis.

I am sorry, Mr. Secretary, but your rhetoric doesn't fit the occasion, nor does it rectify the problem.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I ask unanimous consent to speak in morning business for 10 minutes, and I ask to be followed by the Senator from West Virginia, Mr. ROCKEFELLER, who will speak on the same subject.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### THE "CAPTIVE SHIPPER" PROBLEM

Mr. DORGAN. Mr. President, the Senator from West Virginia, Mr. ROCKEFELLER and I, along with the Senator from Montana, Mr. BURNS, have been working on legislation dealing with our railroad service in this country. We have introduced legislation, S. 621, entitled the Railroad Competition and Service Improvement Act which addresses problems associated with shippers who are "captive" or dependent on one railroad for their shipping needs. Mr. President, I have with me a letter from over 280 chief executive officers of American corporations writing about this subject.

I ask unanimous consent it be printed in the RECORD following my presentation.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. DORGAN. These CEOs of some of America's largest companies, and com-

panies all across this country, join us expressing concern about what has happened to America's railroads. There is no competition in the railroad industry in this country. The deregulation of the rail industry occurred, now, over 20 years ago. At that point, we had 42 class I railroads. Now we are down to only about four major railroad operations in this country—two in the East and two in the West. Rather than encouraging some competitive framework in the rail industry, the deregulation of the railroad industry has resulted in a handful of regional monopolies. They rely on bottlenecks to exert maximum power over the marketplace.

These megarailroads dominate railroad traffic, generating 95 percent of the gross ton miles and nearly 94 percent of the revenues, and they control 90 percent of all coal movement in this country, 70 percent of all grain movement in America, and 88 percent of all chemical movement in this country.

It is quite clear what consolidation has meant to all Americans. Let me give a practical example. If you are a farmer in my State of North Dakota and you want to send a load of wheat to market and you put that load of wheat on a railcar in Bismarck, ND, and send it to Minneapolis, MN, a little over 400 miles, you will pay \$2,300. If you are going to ship that same carload of wheat from Minneapolis to Chicago, about the same distance, you do not pay \$2,300, you pay less than \$1,000.

Why the difference? Why are we charged more than double as North Dakotans to ship wheat about the same distance? Because there is no competition on the line from Bismarck to Minneapolis, but there is competition between Minneapolis and Chicago, so the prices are competitive. Where there is competition, there are lower rates. Where there is no competition, there are monopoly prices. They say to businesses and farmers: Here's the charge; if you don't like it, don't use our service.

What other service exists? There is only one line, only one railroad. There is a monopoly service, and they are engaged in monopoly pricing, and we have no regulatory authority to say this is wrong.

We have what are called "captive shippers." These are Main Street businesses, family farmers, big companies, small companies, and they are held captive by the railroad companies that say to them: We have the rails, we have the cars, we have the company, and here's what the service is going to cost you; if you don't like it, tough luck.

In the circumstance I just described, the railroad says to a North Dakota farmer: We're going to charge you double what we charge other people. Why? Because we choose to. Why? Because we want to; because we have the muscle to do it, and if you don't like it, take a hike.

That is what is going on in this industry where there is no competition and where we have shippers being held captive all across this country.

Do rail costs matter much to my part of the country? Let me give another example.

Grain prices have collapsed. A farmer does not get much for grain these days. If you take wheat to an elevator in Minot, ND, that elevator pays about \$2.40 a bushel for it, which is a pittance—it is worth a lot more than that—the cost to ship that \$2.40 a bushel wheat to the west coast is nearly \$1.20 a bushel. Half the value of that wheat on the west coast ends up being transportation costs by the railroad industry.

How can they do that? It's pricing gouging and nobody can do much about it because there is no regulatory authority to say it is wrong. They hide behind the Staggers Rail Act which deregulated the railroads, gave them enormous power, and resulted in a substantial concentration. The result is, all across this country we have shippers who are now held captive, they are locked in by an industry that says: This is what we are going to charge you; if you don't like it, that's tough luck.

What happens if someone believes this is really arbitrary, really unfair and they intend to complain about it? We had what was called the Interstate Commerce Commission. That was a group of folks who had died from the neck up. Nobody told them, but they were dead from the neck up and had one big rubber stamp down there. It said: "Approved." They had one big rubber stamp and one big ink pad. Whatever the railroads wanted, the ICC said: "Approved."

We got rid of the ICC. Now we have a Surface Transportation Board, and we have someone at the Surface Transportation Board, Linda Morgan, to whom I pay a compliment. She put a moratorium on mergers. We had another proposal for a merger, and she slapped on a moratorium. That merger fell apart. Good for her. It is the first good sign of life for a long while among regulators. Good for her. But all of the merger damage is pretty well done. Linda Morgan is fighting a lonely battle at the Surface Transportation Board.

Let me show you what happens when somebody files a complaint for unfair rail charges. You file a complaint, and here are the steps. First of all, you need to ante up some money. The filing fee for the standard procedure of complaint will be \$54,000. It differs in some cases. If you have a beef with the railroad, first of all, understand you are taking on somebody with a lot more money and muscle than you have, No. 1. No. 2, you are going to pay a filing fee to file a complaint against the railroad freight rates, and then when you file the complaint, you ought to expect to live a long time because you are not going to get a result for a long, long time. In fact, some folks in Montana filed a complaint against a railroad. It took 17 years—17 years—for the complaint to go through the process, and then it never really got resolved in a

satisfactory way. That is why rail shippers understand it does not make much sense to take the railroads on.

You have the railroad with the muscle to make these things stick, and then you have regulators who have largely been braindead for a long, long time and do not want to do much. The exception again is we have a new Surface Transportation Board. Linda Morgan showed some courage, so there is some hope with the current STB.

What is happening in this country must change. Senator ROCKEFELLER, who has been a leader on this issue, and I have held hearings on it. We both serve on the Senate Commerce Committee. We are joined by Senator BURNS in our efforts. It is a bipartisan effort.

We want to pass the S. 621, but we are not going to get it done by the end of this year. What we are hoping for is that the 280 plus CEOs of companies across this country, large and small, who wrote this letter saying they are sick and tired of being held captive by shipping rates imposed by railroads that are noncompetitive—a rate that does not often relate to value for service—will get the attention in Congress that they deserve. We hope these CEOs continue to weigh in, in a significant way, with those who matter in this Congress to say: "Let's do something serious about this issue." This is a tough issue but it is one Congress has a responsibility to tackle.

I pay credit to my colleague from West Virginia, Senator ROCKEFELLER. He has been working on this issue for a long time. I have been privileged to work with him. We know that which is worth doing takes some time to get done often, but we are not going to quit. The message to the 280 companies that have signed this letter, the message to our friends in Congress is: We have a piece of legislation that tries to tackle this issue of monopoly concentration and inappropriate pricing in the railroad industry. It tackles the issue on behalf of captive shippers all across this country—family farmers and Main Street businesses and others—and we are not going to quit.

We hope as we turn the corner at the start of this next Congress that we will be able to pass legislation that will give some help and some muscle to those in this country who are now paying too much. They expect to be able to operate in a system that has competition as a regulator in the free market, and that has not existed in the rail industry for some long while.

I yield the floor, and I believe my colleague from West Virginia will also have some things to say.

EXHIBIT 1

SEPTEMBER 26, 2000.

Hon. JOHN MCCAIN,  
*Chairman, Senate Commerce Committee,*  
*Washington, DC.*

Hon. ERNEST HOLLINGS,  
*Ranking Member, Senate Commerce Committee,*  
*Washington, DC.*

DEAR CHAIRMAN MCCAIN AND SENATOR HOLLINGS: We are writing to ask that shipper

concerns with current national rail policy be given priority for Commerce Committee action next Congress. The Staggers Rail Act was enacted in 1980 with the goal of replacing government regulation of the railroads with competitive market forces. Since that time, the structure of the nation's rail industry has changed dramatically. Where there were 30 Class I railroad systems operating in the U.S. in 1976, now there are only seven. While major railroads in North America appear poised to begin another round of consolidations in the near future, the Surface Transportation Board continues to adhere to policies that hamper rail competition. Structural changes in the rail industry combined with STB policies have stopped the goal of the Staggers Rail Act dead in its tracks.

We depend on rail transportation for the cost-effective, efficient movement of raw materials and products. The quality and cost of rail transportation directly affects our ability to compete in a global marketplace, generate low cost energy, and contribute to the economic prosperity of this nation. Current rail policies frustrate these objectives by allowing railroads to prevent competitive access to terminals, maintain monopolies through "bottleneck pricing," and hamper the growth of viable short line and regional railroads through "paper barriers."

We applaud the Commerce Committee's leadership on behalf of consumers concerning proposed mergers in the airline industry. America's rail consumers also need your support and leadership to respond effectively to the dramatic changes that are underway in the rail industry. Bipartisan legislation is currently pending in both the Senate and House of Representatives that takes a modest, effective approach in attempting to remove some of the most critical impediments to competition. Please work with us and take the steps that are needed to create a national policy that ensures effective, sustainable competition in the rail industry.

Sincerely,

Fred Webber, President and CEO, American Chemistry Council;

Glenn English, CEO, National Rural Electric Cooperative Association;

Alan Richardson, Executive Director, American Public Power Association;

Tom Kuhn, President, Edison Electric Institute;

Henson Moore, President and COE, American Forest and Paper Association;

Kevern R. Joyce, Chairman, President and CEO, Texas-New Mexico Power Company;

Jeffrey M. Lipton, President and CEO, NOVA Chemicals Corporation;

Robert N. Burt, Chairman and CEO, FMC Corporation;

Allen M. Hill, President and CEO, Dayton Power and Light Company;

Paul J. Ganci, Chairman and CEO, Central Hudson Gas & Electric Corporation;

David T. Flanagan, President and CEO, CMP Group, Inc.;

Charles F. Putnik, President, CONDEA Vista Company;

Thomas S. Richards, Chairman, President and CEO, RGS Energy Group, Inc.;

W. Peter Woodward, Senior Vice President, Chemical Operations, Kerr-McGee Chemical LLC;

Phillip D. Ashkettle, President and CEO, M.A. Hanna Company;

Eugene R. McGrath, Chairman, President and CEO, Consolidated Edison, Inc.;

David M. Eppler, President and CEO, Cleco Corporation;

Robert B. Catell, Chairman and CEO, KeySpan Energy;

Thomas L. Grennan, Executive VP, Electric Operations, Western Resources, Inc.;

Joseph H. Richardson, President and CEO, Florida Power Corporation;

Wayne H. Brunetti, President and CEO, Xcel Energy, Inc.;

Myron W. McKinney, President and CEO, Empire District Electric Company;

Erle Nye, Chairman, TXU Corporation;

Corbin A. McNeill, Jr., Chairman, President and CEO, PECO Energy Company;

James E. Rogers, Vice Chairman, President and CEO, Cinergy Corp.;

Stanley W. Silverman, President and CEO, The PQ Corporation;

Robert Edwards, President, Minnesota Power;

William G. Bares, Chairman and CEO, The Lubrizol Corporation;

Stephen M. Humphrey, President and CEO, Riverwood International;

Thomas A. Waltermire, Chairman and CEO, The Geon Company;

James R. Carlson, Vice President, Flocryl Inc.;

John M. Derrick, Jr., Chairman and CEO, Pepco;

David D. Eckert, Executive Committee Member, Rhodia Inc.;

Frederick F. Schauder, Ltd., CFO and HD of Business Service Center, Lonza Group, Ltd.;

Marvin W. Zima, President, OMNOVA Solutions Performance Chemicals;

Simon H. Upfill-Brown, President, and CEO, Haltermann, Inc.;

Thomas A. Sugalski, President, CXY Chemicals, USA;

John L. MacDonald, Chairman and President, JLM Industries Inc.;

David A. Wolf, President, Perstorp Polyols, Inc.;

Roger M. Frazier, Vice President, Pearl River Polymers Inc.;

Yoshi Kawashima, Chairman and CEO, Reichhold, Inc.;

George F. MacCormack, Group Vice President, Chemicals and Polyester, DuPont;

C. Bert Knight, President and CEO, Sud-Chemie Inc.;

James A. Cederna, President and CEO, Calgon Carbon Corporation;

Bernard J. Beaudoin, President, Kansas City Power and Light;

William S. Stavropoulos, President and CEO, The Dow Chemical Company;

Andrew J. Burke, President and CEO, Degussa-Huls Corporation;

George A. Vincent, Chairman, President & CEO, The C.P. Hall Company;

William Cavanaugh, III, Chairman, President and CEO, Carolina Power & Light Company;

Richard B. Priory, Chairman, President and CEO, Duke Energy Corporation;

Howard E. Cosgrove, Chairman, President and CEO, Conectiv;

Gary L. Neale, Chairman, President and CEO, NiSource Inc.;

Robert L. James, President & CEO, Jones-Hamilton Co.;

Vincent A. Calarco, Chairman, President and CEO, Crompton Corporation;

Earnest W. Deavenport, Jr., Chairman and CEO, Eastman Chemical Company;

Reed Searle, General Manager, Intermountain Power Agency;

Robert Roundtree, General Manager, City Utilities of Springfield, MO;

Walter W. Hasse, General Manager, James-town Board of Public Utilities;

Glenn Cannon, General Manager, Waverly Iowa Light and Power;

Jeffrey L. Nelson, General Manager, East River Electric Power Cooperative;

Mike Waters, President, Montana Grain Growers Association;

Terry F. Steinbecker, President & CEO, St. Joseph Light & Power Company;

Hugh T. McDonald, President, Entergy Arkansas, Inc.;

Dave Westbrook, General Manager, Heartland Consumers Power;

David M. Radtcliffe, President & CEO, Georgia Power Company;  
 Stephen B. King, President and CEO, Tomah3 Products, Inc.;  
 Donald W. Griffin, Chairman, President and CEO, Olin Corporation;  
 Ian MacMillan, Technical Manager, Octel-Starreon LLC;  
 Martin E. Blaylock, Vice President, Manufacturing Operations, Monsanto Company;  
 G. Ashley Allen, President, Milliken Chemical, Division of Milliken & Co.;  
 Dwain S. Colvin, President, Dover Chemical Corporation;  
 Bill W. Waycaster, President and CEO, Texas Petrochemicals LP;  
 David C. Hill, President and CEO, Chemicals Division, J.M. Huber Corporation;  
 Mark P. Bulriss, Chairman, President and CEO, Great Lakes Chemical Corporation;  
 Michael E. Ducey, President and CEO, Borden Chemical, Inc.;  
 Chuck Carpenter, President, North Pacific Paper Co.;  
 Richard R. Russell, President and CEO, GenTek Inc.; General Chemical Corporation;  
 John T. Files, Chairman of the Board, Merichem Company;  
 John C. Hunter, Chairman, President and CEO, Solutia Inc.;  
 William M. Landuyt, Chairman and CEO, Millennium Chemicals, Inc.;  
 Kevin Lydey, President and CEO, Blandin Paper Company Inc.;  
 J. Roger Harl, President and CEO, Occidental Chemical Corporation;  
 Rajiv L. Gupta, Chairman and CEO, Rohm and Haas Corporation;  
 Sunil Kumar, President and CEO, International Specialty Products;  
 Kenneth L. Golder, President and CEO, Clariant Corporation;  
 Michael Fiterman, President and CEO, Liberty Diversified Industries;  
 Nicholas R. Marcalus, President and CEO, Marcal Paper Mills Inc.;  
 Charles H. Fletcher, Jr., Vice President, Neste Chemicals Holding Inc.;  
 William J. Corbett, Chairman and CEO, Silbond Corporation;  
 Robert Betz, President, Cognis Corporation;  
 Arnold M. Nemirow, Chairman and CEO, Bowater Inc.;  
 Harry J. Hyatt, President, Sasol North America;  
 Eugene F. Wilcauskas, President and CEO, Specialty Products Division, Church & Dwight Co., Inc.;  
 Robert C. Buchanan, Chairman and CEO, Fox River Paper Co.;  
 David W. Courtney, President and CEO, CHEMCENTRAL Corporation;  
 Joseph F. Firlit, President and CEO, Soyland Power Cooperative;  
 Ronald Harper, CEO and General Manager, Dakota Coal Company and Dakota Gasification Co.;  
 Richard Midulla, Executive VP and General Manager, Seminole Electric Cooperative, Inc.;  
 Dan Wiltse, President, National Barley Growers Association;  
 William L. Berg, President and CEO, Dairyland Power Cooperative;  
 Charles L. Compton, General Manager, Saluda River Electric Cooperative;  
 Don Kimball, CEO, Arizona Electric Power Cooperative, Inc.;  
 Gary Smith, President and CEO, Alabama Electric Cooperative, Inc.;  
 Stephen Brevig, Executive VP and General Manager, NW Iowa Power Cooperative;  
 Frank Knutson, President and CEO, Tri-State G and T Association, Inc.;  
 Robert W. Bryant, President and General Manager, Golden Spread Electric Cooperative;

Marshall Darby, General Manager, San Miguel Electric Cooperative, Inc.;  
 Thomas W. Stevenson, President and CEO, Wolverine Power Supply Cooperative;  
 Kimball R. Rasmussen, President and CEO, Deseret G and T Cooperative;  
 Thomas Smith, President and CEO, Oglethorpe Power Corporation;  
 Evan Hayes, President, Idaho Grain Producers Association;  
 Gary Simmons, Chairman, Idaho Barley Commission;  
 Randy Peters, Chairman, Nebraska Wheat Board;  
 Terry Detrick, President, National Association of Wheat Growers;  
 Leland Swenson, President, National Farmers Union;  
 Frank H. Romanelli, President and CEO, Metachem Products, L.L.C.;  
 Frederick W. Von Rein, Vice President, GM Fisher Chemical, Fisher Scientific Company LLC;  
 Raymond M. Curran, President and CEO, Smurfit Stone Container Corp.;  
 Floyd D. Gottwald, Jr., Chairman and CEO, Albemarle Corporation;  
 Richard G. Bennett, President, Shearer Lumber Products;  
 John Begley, President and CEO, Port Townsend Paper Company;  
 Gregory T. Cooper, President and CEO, Cooper Natural Resources;  
 Mark J. Schneider, Chief Executive Officer, Borden Chemicals and Plastics;  
 Kees Verhaar, President and CEO, Johnson Polymer;  
 L. Ballard Mauldin, President, Chemical Products Corporation;  
 George M. Simmons, President of First Chemical Corporation, ChemFirst Inc.;  
 Christopher T. Fraser, President and CEO, OCI Chemical Corporation;  
 Gerhardus J. Mulder, CEO and Vice Chairman of the Board, Felix Schoeller Technical Papers, Inc.;  
 John F. Trancredi, President, North American Chemical Co., IMC Chemicals Inc.;  
 Christian Maurin, Chairman and CEO, Nalco Chemical Company;  
 Nicholas P. Trainer, President, Sartomer Company, Inc.;  
 Thomas H. Johnson, Chairman, President, and CEO, Chesapeake Corporation;  
 Gordon Jones, President and CEO, Blue Ridge Paper Products Inc.;  
 David Lilley, Chairman, President and CEO, Cytec Industries Inc.;  
 Mario Concha, Vice President, Chemical & Resins, Georgia-Pacific Corporation;  
 Duane C. McDougall, President and CEO, Willamette Industries, Inc.;  
 Kennett F. Burnes, President and COO, Cabot Corporation;  
 Aziz I. Asphahani, President and CEO, Carus Chemical Company;  
 Thomas M. Hahn, President and CEO, Gardan State Paper Company;  
 Dan F. Smith, President and CEO, Lyondell Chemical Company;  
 Frank R. Bennett, President, Bennett Lumber Products Inc.;  
 Joseph G. Acker, President, Hickson Dan Chemical Corporation;  
 James F. Akers, President, The Crystal Tissue Company;  
 Lee F. Moio, Executive Vice President, Vertex Chemical Corporation;  
 Richard G. Verney, Chairman and CEO, Monadnock Paper Mills, Inc.;  
 Helge H. Wehmeier, President and CEO, Bayer Corporation;  
 Michael Flannery, Chairman and CEO, Pope and Talbot, Inc.;  
 R. P. Wollenberg, Chairman and CEO, Longview Fiber Company;  
 Michael T. Lacey, President and COO, Ausimont USA, Inc.;

Michael J. Kenny, President, Laporte Inc.;  
 Jean-Pierre Seeuws, President and CEO, ATOFINA Petrochemicals, Inc.;  
 Michael J. Ferris, President and CEO, Pioneer Americas, Inc.;  
 Edward A. Schmitt, President and CEO, Georgia Gulf Corporation;  
 Peter A. Wriede, President and CEO, EM Industries, Inc.;  
 Fred G. von Zuben, President and CEO, The Newark Group;  
 Paul J. Norris, Chairman, President and CEO, W.R. Grace & Co.;  
 George H. Glatfelter II, Chairman, President and CEO, P.H. Glatfelter Company;  
 Larry M. Games, Vice President, Procter & Gamble;  
 David C. Southworth, President, Southworth Company;  
 Harvey L. Lowd, President, Kao Specialties Americas LLC;  
 Richard Connor, Jr., President, Pine River Lumber Co., Ltd.;  
 William Wowchuk, President, Eaglebrook, Inc.;  
 W. Lee Nutter, Chairman, President and CEO, Rayonier;  
 Robert Carr, President and Chief Operating Officer, Schenectady International, Inc.;  
 Robert Strasburg, President, Lyons Falls Pulp & Paper, Inc.;  
 J. Edward, CEO, Gulf States Paper Corporation;  
 Gorton M. Evans, President and CEO, Consolidated Papers, Inc.;  
 John K. Robinson, Group Vice President, BP Amoco p.l.c.;  
 David J. D'Antoni, Sr. Vice President and Group Operating Officer, Ashland Inc.;  
 Pierre Monahan, President and CEO, Alliance Forest Products, Inc.;  
 Peter Oakley, Chairman and CEO, BASF Corporation;  
 Charles K. Valutas, Sr. Vice President and Chief Administrative Officer, Sunoco, Inc.;  
 Leroy J. Barry, President and CEO, Madison Paper Industries;  
 Norman S. Hansen, Jr., President, Monadnock Forest Products, Inc.;  
 Dan M. Dutton, CEO, Stinson Lumber Company;  
 Michael L. Kurtz, General Manager, Gainesville Regional Utilities;  
 William P. Schrader, President, Salt River Project;  
 Jim Harder, Director, Garland Power and Light;  
 Gary Mader, Utilities Director, City of Grand Island, Nebraska;  
 Robert W. Headen, Electric Superintendent, City of Escanaba, Michigan;  
 Darryl Tveitakk, General Manager, Northern Municipal Power Agency;  
 Steven R. Rogel, Chairman, President and CEO, Weyerhaeuser Company;  
 John T. Dillon, Chairman and CEO, International Paper Company;  
 Roy Thilly, CEO, Wisconsin Public Power, Inc.;  
 Tom Heller, CEO, Missouri River Energy Services;  
 Charles R. Chandler, Vice Chairman, Greif Bros Corp.;  
 Rudy Van der Meer, Member, Board of Management, Akzo Nobel Chemicals Inc.;  
 William B. Hull, President, Hull Forest Products, Inc.;  
 Larry M. Giustina, General Manager, Giustina Land and Timber Co.;  
 Daniel S. Sanders, President, ExxonMobil Chemical Company;  
 Thomas E. Gallagher, Sr. Vice President, Coastal Paper Company;  
 F. Casey Wallace, Sales Manager, Allegheny Wood Products Inc.;  
 Terry Freeman, President, Bibler Bros Lumber Company;  
 William Mahnke, Vice President, Duni Corporation;

Neil Carr, President, Elementis Specialties;  
 Chris A. Robbins, President, EHV Weidmann Industries Inc.;  
 James Lieto, President, Chevron Oronite Company LLC;  
 Marvin A. Pombrantz, Chairman and CEO, Baylord Container Corp.;  
 M. Glen Bassett, President, Baker Petrolite Corporation;  
 Glen Duysen, Secretary, Sierra Forest Products;  
 Kent H. Lee, Senior Vice President of Specialty Chemicals, Ferro Corporation;  
 James L. Burke, President and CEO, SP Newsprint Company;  
 Dana M. Fitzpatrick, Executive Vice President, Fitzpatrick and Weller, Inc.;  
 Bert Martin, President, Fraser Papers Inc.;  
 Carl R. Soderlind, Chief Executive Officer, Golden Bear Oil Specialties;  
 Charles L. Watson, Chairman and CEO, Dynege, Inc.;  
 Alan J. Noia, Chairman, President and CEO, Allegheny Energy;  
 Ronald D. Earl, General Manager and CEO, Illinois Municipal Electric Agency;  
 Steven Svec, General Manager, Chillicothe Municipal Utilities;  
 Michael G. Morris, Chairman, President and CEO, Northeast Utilities;  
 Jay D. Logel, General Manager, Muscatine Power and Water;  
 Robert A. Voltmann, Executive Director & Chief Executive Officer, Transportation Intermediaries Association;  
 Andrew E. Goebel, President and Chief Operating Officer, Vectren Corporation;  
 Bob Johnston, President and CEO, Municipal Electric Authority of Georgia;  
 Rick Holly, President, Plum Creek;  
 A.D. Correll, Chairman and CEO, Georgia-Pacific Corporation;  
 Robert M. Owens, President and CEO, Owens Forest Products;  
 Charles E. Platz, President, Montell North America Inc.;  
 Nirmal S. Jain, President, BaerLocher USA;  
 Will Kress, President, Green Bay Packaging Inc.;  
 Stanley Sherman, President and CEO, Ciba Specialty Chemicals Corporation;  
 Charles A. Feghali, President, Interstate Resources Inc.;  
 Charles H. Blanker, President, Esleek Manufacturing Company, Inc.;  
 Dennis H. Reilley, President and CEO, Praxair, Inc.;  
 Vohn Price, President, The Price Company;  
 Lawrence A. Wigdor, President and CEO, Kronos, Inc.;  
 Eric Lodewijk, President and Site Manager, Roche Colorado Corporation;  
 James L. Gallogly, President and CEO, Chevron Phillips Chemical Company;  
 Takashi Fukunaga, General Manager, Specialty Chemicals, Mitsui & Co. (USA), Inc.;  
 James A. Mack, Chairman and CEO, Cambrex Corporation;  
 F. Quinn Stepan, Sr., Chairman and CEO, Stepan Company;  
 John R. Danzeisen, Chairman, ICI Americas Inc.;  
 Harold A. Wagner, Chairman and CEO, Air Products and Chemicals, Inc.;  
 Bernard J. Darre, President, The Shepherd Chemical Company;  
 Frank A. Archinaco, Executive Vice President, PPG Industries, Inc.;  
 Gary E. Anderson, President and CEO, Dow Corning Corporation;  
 David S. Johnson, President and CEO, Rutgers Organics Corporation;  
 Whitson Sadler, President and CEO, Solvay America, Inc.;  
 Peter L. Acton, General Manager, Arizona Chemical Company;

Wallace J. McCloskey, President, The Norac Company, Inc.;  
 Gregory Bialy, President and CEO, RohMax USA, Inc.;  
 Arthur R. Sigel, President and CEO, Vel-sicol Chemical Corporation;  
 H. Patrick Jack, President and CEO, Aristech Chemical Corporation;  
 Michael E. Campbell, Chairman and CEO, Arch Chemicals, Inc.;  
 James B. Nicholson, President and CEO, PVS Chemicals, Inc.;  
 D. George Harris, Chairman, D. George Harris and Associates;  
 James E. Gregory, President, Dyneon LLC;  
 Toshihoko Yoshitomi, President, Mitsubishi Chemical America Inc.;  
 William H. Joyce, Chairman, President & CEO, Union Carbide Corporation;  
 Kenneth W. Miller, Vice Chairman, Air Liquide America Corporation;  
 Norman Blank, Senior Vice President, Research & Development, Sika Corporation;  
 Edward W. Kissel, President and COO, OM GROUP, INC.;  
 Mario Meglio, Director of Marketing, Kuehne Chemical Company, Inc.;  
 Jerry L. Golden, Executive Vice President-Americas, Shell Chemical Company;  
 Thomas E. Reilly, Jr., Chairman and CEO, Reilly Industries, Inc.;  
 Joseph F. Raccuia, CEO, Encore Paper Company, Inc.;  
 Alex Kwader, President and CEO, Fibermark;  
 John A. Luke, Jr., Chairman and CEO, Westvaco Corporation;  
 George J. Griffith, Jr., Chairman and President, Merrimac Paper Co.;  
 George Harad, Chairman and CEO, Boise Cascade Corporation;  
 L. Pendleton Siegel, Chairman and CEO, Potlatch Corporation;  
 Monte R. Haymon, President and CEO, Sappi Fine Paper;  
 George D. Jones III, President, Seaman Paper Company, Inc.;  
 Jon M. Huntsman, Sr., Chairman, Huntsman Corporation;  
 Jerry Tatar, Chairman and CEO, The Mead Corporation;  
 Larry L. Weyers, Chairman, President and CEO, WPS Resources Corporation;  
 Jan B. Packwood, President and CEO, IDACORP, Inc.;  
 E. Linn Draper, Jr., Chairman, President and CEO, American Electric Power;  
 Steven E. Moore, Chairman, President and CEO, OGE Energy Corp.;  
 John MacFarlane, Chairman, President and CEO, Otter Tail Power Company;  
 H. Peter Burg, Chairman and CEO, First Energy Corp.;  
 John Rowe, Chairman, President and CEO, Unicom Corporation;  
 Erroll B. Davis, Jr., Chairman, President and CEO, Alliant Energy Corporation;  
 Alan Richardson, President and CEO, PacifiCorp;  
 William F. Hecht, Chairman, President and CEO, PPL Corporation;  
 Bob Stallman, President, American Farm Bureau Federation;  
 William Rodecker, Director, Occupational Health, Safety & Environmental Affairs, Eli Lilly and Company.

The PRESIDING OFFICER (Mr. FITZGERALD). The Senator from New Jersey.

#### ALS TREATMENT AND ASSISTANCE ACT

Mr. TORRICELLI. Mr. President, all of us in our public lives on occasion meet an individual under circumstances and remains with us. They are so powerful in their impact that

they haunt us and, if we are true to our responsibilities, also lead us to involvement. It could be circumstances of a struggling family attempting to pay their bills. It could be someone in enormous physical or emotional distress.

I rise today because 3 years ago I met a young family from Burlington County, NJ, who had exactly this impact on me, my life, and my own service in the Senate.

Kevin O'Donnell was 31 years old, a devoted father who was skiing with his daughter one weekend, when he noticed a strange pain in his leg. It persisted, which led him to visit his family doctor. Here, he was shocked to learn, despite his apparent good health, the vibrancy of his own life and his young age, that he had been stricken with ALS, known to most Americans as Lou Gehrig's disease.

We are fortunate that ALS is a very rare disorder. It affects 30,000 individuals in our Nation, with an additional 5,000 new cases diagnosed every year. We should be grateful it is so rare because the impact on an individual and their health and their family is devastating. Indeed, there are few diseases that equal the impact of ALS on an individual.

It is, of course, a neurological disorder that causes the progressive degeneration of the spinal cord and the brain. Muscle weakness, especially in the arms and legs, leads to confinement to a wheelchair. In time, breathing becomes impossible and a respirator is needed. Swallowing becomes impossible. Speech becomes nearly impossible. Muscle by muscle, legs to arms to chest to throat, all motor activity of the body shuts down.

While ALS usually strikes people who are over 50 years old, indeed, there are many cases of young people being afflicted with this disease. Once the disease strikes, life expectancy is 3 to 5 years. But the difficulty is, life expectancy is not measured from diagnosis; it is measured from the first symptoms.

Diagnosing ALS is very difficult. What can appear as a pain in the leg can be overlooked for months. Muscle disorders can be ignored for a year. Doctors have a difficult time diagnosing Lou Gehrig's disease.

Not surprisingly, after diagnosed, the financial burdens are enormous. Work is impossible. Twenty-four hour care is likely. Wheelchairs, respirators, nursing care can easily cost between \$200,000, to a quarter of a million dollars a year.

Families struggle with this financial burden while they are also struggling with the certainty of death at a young age.

This leads me to the responsibilities of this institution.

Patients with ALS must wait 2 years before becoming eligible for Medicare. For 2 years—no help, no funds, no assistance. As a result, 17,000 ALS patients currently are ineligible for Medicare services. And thousands of these



individuals will die having never received one penny of Medicare assistance. Their death from ALS is a foregone conclusion. It could come in a year or 2 years or 3, but we are requiring a 2-year waiting period before there is any assistance.

Clearly, ALS, the problems of diagnosis, the certainty of death, the rapid deterioration of the human body, was not considered with this 2-year waiting period.

Nearly 3 years ago, I first introduced legislation that would eliminate the 24-month waiting period for ALS from Medicare. Most of the people who were with me that day here in the Senate when we introduced this legislation are now dead. Most of them never received any Medicare assistance. Only I remain, having been there that day offering this legislation again to bring help to these people.

But their agony and the burdens on their families have now been succeeded by thousands of others, who at the time probably had never heard of ALS disease, certainly did not know that Medicare, upon which their families had come to rely, would be out of reach to them in such a crisis.

The ALS Treatment and Assistance Act, since that day, has enjoyed bipartisan support, with 28 cosponsors in the Senate, 12 Republicans and 16 Democrats. In the House of Representatives, 280 Democrats and Republicans have cosponsored the legislation.

This spring, the Senate unanimously adopted this legislation as part of the marriage penalty tax bill, which, of course, did not become law.

Both Houses, both parties have responded to this terrible situation.

Two weeks ago, when Senator MOYNIHAN and Senator DASCHLE introduced S. 3077, the Balanced Budget Refinement Act of 2000, I was very proud that the ALS provision was included in their legislation. Last Wednesday, the ALS waiver was included in the balanced budget refinement legislation approved by the House Commerce Committee. So there is still hope.

As every Member of this institution knows, the calendar is late. Regretfully, we are again at a time of year when the legislative process ceases to work as it is taught in textbooks across the country. There will not be an opportunity for me to advocate this legislation for ALS patients by offering an amendment on the Senate floor to the Medicare package developed by the Finance Committee. That option is simply not going to exist under the procedures and the calendar of the Senate.

I am, therefore, left with the following circumstances. Having lost many of those ALS patients, on whose behalf I originally began this effort, a new group of families are now helping me across the country. They, too, have a year or two remaining in their lives and need this help.

If I can succeed in getting this provision, with the support of my col-

leagues, in the balanced budget refinements that ultimately will be passed by this Senate, for those people before their deaths, there is still hope. If I fail, then these people, too, will expire before they get any assistance from the Government.

I do not know of an argument not to pass this legislation. I do not know of a point that any Senator in any party, at any time, could make, to argue on the merits, that these ALS patients should not get a waiver under Medicare, in the remaining months or years of their lives, to get some financial assistance.

The unanimous support of the Senate previously, I think, is testament to the fact that we are of one mind. I simply now would like to ask my colleagues, in these final days, knowing that there will be a Medicare balanced budget refinement bill, that this provision be included.

I also, Mr. President, ask unanimous consent to have printed in the RECORD a copy of the letter that was sent to Chairman ROTH last week, signed by 16 of my colleagues in the Senate, Democrats and Republicans, asking for inclusion of the ALS legislation in a balanced budget refinement package.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,

Washington, DC, September 25, 2000.

Hon. WILLIAM V. ROTH,  
Chairman, Senate Finance Committee,  
Washington, DC.

DEAR CHAIRMAN ROTH: As the Finance Committee prepares to mark-up a Balanced Budget Act refinement package for Medicare providers, we urge your support for the inclusion of an important provision of S. 1074, the Amyotrophic Lateral Sclerosis Treatment Act. This provision would eliminate the 24-month waiting period for Medicare which prevents ALS patients from receiving the immediate care they desperately need.

As you know, ALS is a fatal neurological disorder that affects 30,000 Americans. Its progression results in total paralysis, leaving patients without the ability to move, speak, swallow or breathe and therefore totally dependent on care givers for all aspects of life. Without a cure or any effective treatment, the life expectancy of an ALS patient is only three to five years.

A common problem for individuals stricken with ALS is that, due to the progressive nature of the disease and the lack of any diagnostic tests, a final diagnosis is often made after a year or more of symptoms and searching for answers. This delay results in a loss of valuable time that could have been spent in starting treatment early. Once a diagnosis is finally made, the tragedy is needlessly worsened by Medicare's 24-month waiting period which forces ALS patients to wait until the final months of their illness to receive care.

Eliminating this unfair restriction for ALS patients enjoys strong bipartisan support in the Senate and the House. In fact, the House version of this bill has the support of 280 cosponsors. Including this legislation in a BBA refinement package will represent a first real step toward improving the quality of life for Americans stricken with ALS. We look forward to working with you, and appreciate

your consideration of this important legislation.

Sincerely,

Mr. TORRICELLI. Mr. President, I thank you for the time and I thank my colleagues for their indulgence. I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. First, I would like to comment on the comments that were made by Senator TORRICELLI from New Jersey. I thought they were profound, moving, and obviously urgent.

What I regret to have to report to him is that the Senate Finance Committee, on which I serve on the minority side, has concluded there will be no markup. There will be no markup on the balanced budget amendment. So this is very sad. This is part of the denigration of the process of this entire institution.

There is no health care legislation that has come out of the Finance Committee, or anywhere else, in the last 2 years. We could go through that litany.

But I want to report my profound discouragement to the Senator that we were told yesterday there would be no markup, no markup on the one thing that we could do to help not only the people you are talking about but all the hospitals and hospices and skilled nursing facilities, home health agencies in our States which are suffering.

So we have to rely on the good will of the President when he meets with leaders, Republican leaders. Hopefully, maybe a Democrat will be included in that meeting. Maybe something can happen.

But this is where we have arrived at in this institution. It is unfortunate. It is wretched. It has a terrible consequence for the people who you so movingly and eloquently talked about.

#### RAILROAD COMPETITION

Mr. ROCKEFELLER. Mr. President, I come before the Senate today to speak about an issue—the plight of captive shippers—on which the Senator from North Dakota, Mr. DORGAN, spoke and on which I have been working for 16 years, every day I have been in the Senate, with a complete, absolute, and total lack of success. One doesn't ordinarily admit those things, but I say that because that is how bad the situation is. That is how unwilling the Congress is to address this problem even though it affects every single Senator and every single Congressman in the entire United States of America without a single exception.

How did this happen is the same question as asking why is it that people complain about planes being late but don't take any interest in aviation policy. We are a policy body. We are meant to deliberate; we are meant to discuss issues. We don't. We don't take any interest in aviation. So we complain but don't do anything. We take no interest in railroad policy, and so we don't complain and we don't do anything.

As a result, the American Association of Railroads, which is one of the

all-time most powerful lobbying groups in the country, has its way. As Senator DORGAN said, they have their way although there are only really four or five railroads left. When I came here in 1985, as the junior Senator from West Virginia, there were 50 or 60 class I railroads. Those are the big ones. Now there are four or five, probably soon to be two or three.

When the Staggers Act was passed to deregulate the railroads, which unfortunately this Congress did in 1980, they divided it into two parts. They said for those railroads which had competition, the market would set the price. But they said there are about—let's pick the number—20 percent of all railroads which have no competition. In the coal mines, steel mills, granaries, and manufacturing facilities that these railroads serve, there is no competition. Their rates would be determined by the Interstate Commerce Commission at that time. Now it is called the Surface Transportation Board. Very few of my colleagues know anything about the Surface Transportation Board or knew anything about the Interstate Commerce Commission, even though many of their people are suffering vastly from the consequences of the inaction of these two bodies.

We don't have railroad competition in many aspects of our economy. You can't move coal by a pickup truck and you can't fly it in an airplane, you have to move it in a train. Sometimes you can put it in a truck, but you have to basically put it in a train. The Presiding Officer knows that very well; he comes from a State that produces coal.

I also am going to submit the same letter the Senator from North Dakota did for the RECORD so it appears at the conclusion of my remarks. It is an extraordinary letter to Chairman MCCAIN and Senator HOLLINGS signed by 282 CEOs—not government relations people, not lobbyists, but by CEOs. It is the most extraordinary document of commitment and anger over a subject I have seen in the 16 years I have been in the Senate. I have never seen anything like this before.

This is obviously a matter of enormous importance to my State. Most of what we produce has to be moved by railroad: Chemicals; coal; steel; lumber. It is a place where railroads have an enormous presence and railroads dominate.

This letter seeks to make railroad policy a top concern. These people say it is their top legislative concern. They represent virtually every industry, and all parts of the country.

I don't know how we got to this situation. I think it is ignorance on the part of the Congress, it is inattention, to some degree laziness on the part of the Commerce Committee and the Congress. It doesn't rise to the level of a crisis which hits us one day and grabs all the headlines. It is like the ALS about which the Senator from New Jersey was talking. It just creeps slowly. It just gradually destroys parts of the economy.

Let me explain the situation this way. Imagine if I decided I wanted to fly to Dallas, TX, from Charleston, WV, and I was told I had to go through Atlanta. We don't have a lot of direct connections out of West Virginia. And suppose the airline told me, told this Senator, that they would not tell me how much my ticket would cost from Atlanta to Dallas. I would be outraged. All kinds of people would jump into the action. They couldn't do that. That would be illegal. It would be wrong.

The railroads can do what the airlines are prevented from doing. They can refuse to quote you a price on what is called bottleneck situations, where they will not tell you how much it is going to cost on a monopoly segment. By doing that they control the price of whatever you are shipping, wherever you are shipping it. That is wrong.

One of the reasons they are able to do that is that railroads, unlike virtually every other industry that has been deregulated, have antitrust exemption. Why do railroads have antitrust protection? Can anybody give me a reason they would have antitrust protection? They have been deregulated. No other industry that has been deregulated has an exemption from our antitrust law, but the railroads do, because the American Railroad Association moves very quietly and skillfully under the radar of attention. It is a huge and powerful group. It doesn't make waves, doesn't cause notice. It hands out tremendous amounts of money, but they do their work below the radar screen.

As a result, when chemicals move out of the Kenawha Valley and the Ohio Valley in West Virginia and when coal moves out of southern West Virginia and northern West Virginia, we are victims in many circumstances to captive shipping. We are captives of the railroads. They can charge our companies whatever they want, and they do. It is illegal, but the railroads have on their side the Surface Transportation Board, which is supposed to "regulate" them, but instead is concerned only with how much money the railroads are making. So why should the railroads do anything other than make the most money they can? And they do.

I know of no other situation like that in America. I come from a family that knew something about monopoly. And, properly and correctly, a President named Theodore Roosevelt came along and ended that because it was wrong. It was done in those times. That is the way those businesses were done, but it was wrong.

Well, it is wrong what the railroads are doing today on captive shipping. For 16 years we have been fighting this—16 years, no progress, nothing. The STB comes up and they say: We need to have rules and regulations from the Congress. The folks in the Commerce Committee say: We are having all kinds of hearings.

We don't have hearings. We technically have hearings, but they are not hearings. They are not probing hear-

ings. A couple people drop in; a couple people drop out. Consumers everywhere suffer from this, and they don't even know about it. We should, because it is our responsibility to protect consumers. Where the law says the railroad companies cannot do something which they are doing, we should be upset by that. And if it is 20 percent of railroad traffic, we should be angry about it. But we don't care. We don't care.

Again, many, if not most, of the products and commodities—coal and chemicals especially—being shipped by companies in West Virginia these products are shipped by companies, are shipped by companies that are captive to a single railroad. Only one line serves most of these plants. The railroads have all power: This is what you are going to pay; if you don't want to pay it, then we won't serve you.

And they use a lot of other strong-arm tactics, which I will not go into, although I am protected on the floor and I could, and I would be happy to, but I won't do it. But they use strong-arm tactics; they know how to use them and they do use them. There are four or five major railroads, and they can use strong-arm tactics and get away with it. All the others have been merged and eaten up. So the shippers are forced to pay whatever the railroads want to charge. If my colleagues think that is fair, fine.

This is what it's like: When you walk into a grocery store to buy bread, you know what bread is supposed to cost. But no, the grocer says, no, you have to pay three times the usual cost. I don't think my colleagues would stand for that. But my colleagues do put up with this, by continuing to let railroads charge whatever they want—not what the market says the cost should be—even though it costs their constituents and companies in their states more money than it should, and puts people out of work.

Why won't my colleagues get interested in this subject? Why won't they require the STB and the railroads to follow the law? Why doesn't the Commerce Committee take this more seriously?

I cannot remember any significant period of time since I have been in this body that I have not had a steady flow of complaints from my "captive" shippers—large and small companies that are captive to one railroad. They have no alternative but to pay what the railroad says they must. There is only one line going in; what are they going to do? Carry it out by hand? The Staggers Act said the railroads shouldn't exercise this kind of control. The captive shippers cannot set their own price. The railroads set the price on the monopoly segment, often without telling shippers what the price is, and thereby control the price along the entire route. This happens—today and every day—in the American economy. This is free market?

So businesses in my State and in your State, Mr. President, and the

State of the Senator from Alaska are hindered from making the kinds of profits and putting a number of people to work because we in Congress choose to ignore an enormous American problem.

I'd like to say a little bit about why this has all happened. I have talked about the diminution of the number of railroads. We have just two railroads on the east coast and two on the west coast, and one running the length of the Mississippi. These five railroads collect 95 percent of all freight revenues, as Senator DORGAN said. Pretty soon, that number may be reduced to just two railroads, period. These railroads are not exactly having a hard time. This level of "competition"—with just a few railroads controlling 95 percent of the traffic—means, *prima facie*, that we really have no competition at all. You just say 95 percent, and there you have it. By definition, there is no competition.

During the last 5 years, the pace of railroad consolidation has been dizzying. In 1996, the merger of the Union Pacific and Southern Pacific Railroads threw the entire country into crisis. Did we care? Yes, briefly, for a week or so. There were some stories in the *Wall Street Journal*—we heard about the Houston railyard being shut down—and some of the rest of the country noticed, too. It was a strange and confusing railroad problem, and we didn't have time to figure it out; that was our attitude. So it came and it went. But it cost endless millions of dollars and endless lost jobs.

But we need to look at what happened. The results of that merger—creating one huge, unresponsive railroad, from two large unresponsive railroads—were major service disruptions, plant closings, thousands of lost workdays, and endless millions of dollars lost by companies all over this country.

We had the same thing on a smaller scale in West Virginia and in the East. We have had our own merger. Conrail was divided kind of piecemeal between CSX and Norfolk Southern Railroads. A period of disruption followed that merger also—perhaps not the scale of the UP-SP debacle—but still devastating and frustrating to my manufacturers in my State and throughout the Northeast. The railroads didn't worry because they knew nobody here was paying any attention.

Rail consolidation isn't the only culprit. Several unjustified and counterintuitive rulings made by the Surface Transportation Board and its predecessor agency, the Interstate Commerce Commission, have stifled railroad competition and made matters much worse.

These agencies have enormous power in our economy. Their key decision was the 1996 "bottleneck" decision to which I have already referred. That allows a railroad to remain in control of its essential facilities, known as "bottle-necks" and effectively prevent a rail

customer from getting to a competing railroad, or even getting a price. In other words, where railroads share a line, they won't let you use it. They won't let anybody else use it. They won't tell you what it would cost even if you work out some kind of arrangement. They control the cost of shipping along your whole route, and they shut you down.

The court of appeals upheld the decision of the STB as not being "arbitrary or capricious." So that seems to be on the side of the railroads. In its decision, the court of appeals went out of its way to say that the bottleneck decision was, one, not the only interpretation that the STB could have made under the law; and, two, not necessarily the interpretation the court itself would have made.

Since then, the STB, predictably, has refused to revisit this decision and seems to take the official position that it does not have the legal authority to reach any other conclusion without specific direction from Congress to put competition first. Well, I don't have any problem with that, except Congress hasn't been paying any attention and probably won't do that anytime soon. There is no chance we will do that in the Commerce Committee now. Public anger hasn't been galvanized, and congressional anger hasn't been galvanized. Congressional passiveness rules.

Under the protective rulings of the Surface Transportation Board, railroads are the only industry in the Nation that have both been deregulated and allowed to maintain monopoly power over its essential facilities. Congress, the Federal agencies, and the Federal courts have specifically prevented telephone companies, airlines, natural gas pipelines, and electric utilities from controlling essential facilities, while at the same time they enjoy the benefits of deregulation.

I reject the notion that the Staggers Rail Act intentionally allowed railroads to use their bottleneck facilities to prevent customers access to competition. That is wildly illogical and wildly untrue. It goes against every principle of the American market economy. Likewise, it makes no sense, and runs counter to the law of the land, for the STB to view protection of the financial health of the railroads as its overriding mission, which they do. In all of their history, they have never found a railroad to be revenue adequate. That is the technical term. In other words, they have never found a railroad which is making enough money. The railroads have to make more money, suppress competition, according to the STB.

So if we in Congress really care about the long-term viability of the freight railroad industry, we have to examine and make fundamental changes to the policy. But first we have to understand it—and we don't, and we won't, until people get motivated.

The railroad industry itself is given unwarranted special treatment, about

which I have spoken, regarding the antitrust review. They are totally exempt from review by the Antitrust Division of the Department of Justice. Instead, it is left to the Surface Transportation Board to determine whether a merger or acquisition is "in the public interest."

Now, fortunately, as the Senator from North Dakota indicated, the STB is quite concerned about its merger policy. Hurrah. They see, as I do, the very real and ominous possibility that a final round of railroad mergers could leave us with just two transcontinental railroads carrying 97 percent of all American rail freight.

So the STB responded this year by instituting a 15-month moratorium on major railroad mergers. They are also conducting a rulemaking on their merger procedures.

I commend this unprecedented and important letter from 282 chief executive officers of huge American companies and small American companies to all of my colleagues. My guess is that very few colleagues will read that letter because we are passive, because this issue is under our radar. Or more accurately, we have decided to ignore it. When it comes to ignoring this problem, we have an unblemished record of success, even though our inaction hurts companies and people in every part of this country.

Their letter sends a compelling message to Congress that the status quo on railroad policy is unacceptable and must be changed. Senator BURNS, Senator DORGAN, and I have a bill to do exactly that, if we can get anybody to pay attention to it.

I thank the Presiding Officer. I yield the floor.

THE PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I thank my colleague from West Virginia. I sympathize with the exposure that his State has. Of course, my State, unfortunately, is not connected to the rest of the United States by rail. We have a State-owned railroad and would like to have the opportunity to have a railroad connection. I am sympathetic to his cause.

#### ENERGY CRISIS

Mr. MURKOWSKI. Mr. President, I would like to address a couple of situations that I think are paramount in our consideration of issues before us today. I know most of my colleagues are aware of the current situation in Belgrade and the uprising against the dictatorship of Milosevic. I understand the situation is very grave at this time. I know we are all hopeful there will be no serious loss of life as a result of the uprising. I am sure my colleagues will join me in our prayers and hopes that the opposition's Kostunica will be successful in ousting Milosevic and instituting a democratic and peaceful new government in Yugoslavia. I know the Senate hopes for the best and that the nightmare in Yugoslavia may soon be at an end.

Unfortunately, we have a similar situation in the Middle East and the fighting that is going on between the Israelis and the Palestinians. Over 67 people have been killed.

I think it appropriate at a time when we are facing an energy crisis in this country to recognize the volatility associated with the area where we are most dependent on our oil supply; namely, the Middle East. Fifty-eight percent of our oil is imported primarily from OPEC.

As we look at the situation today, we recognize the fragility, if you will, and the sensitivity associated with relying on that part of the world, particularly when we see the action by this administration in the last few days of drawing down oil from the Strategic Petroleum Reserve which is set up for the specific purpose of ensuring that we have an adequate supply in storage if, indeed, our supply sources are interrupted.

By drawing that reserve down 30 million barrels, we sent a signal to OPEC that we were drawing down our own savings account making us more vulnerable, if you will, to those who hold the leverage on the supply of oil; namely, OPEC, Venezuela, Mexico, and other countries.

I wanted to make that observation and further identify, if you will, that we have a situation that needs correction. We still have time to do it in this body; that is, to pass the EPCA reauthorization bill.

As a consequence of the effort by the majority leader yesterday to bring that bill up—H.R. 2884—the reauthorization bill, I think it is important that we recognize why we need it.

First, it reauthorizes the Strategic Petroleum Reserve. The authorization expired in March of this year.

It creates a home heating oil reserve with a proper trigger mechanism that is needed.

It provides State-led education programs on "summer fill" and fuel budgeting programs.

It requires the Secretary of Defense to concur with drawdowns and indicate that those drawdowns will not impact national security.

It strengthens weatherization programs by increasing the per-dwelling allowance.

It requires yearly reports on the status of fuel supply prior to the heating season.

We have worked hard at trying to bring this to the floor and get it passed.

Yesterday, the Senator from California indicated there was still opposition to the bill. It is my understanding that comments were made about the bipartisan substitute we have offered. As a consequence, I believe there is a need for a response.

One, the Senator claimed that we could take up and pass the underlying bill—H.R. 2884—without amendment.

This simply can't happen. The underlying bill does not contain responsible

trigger mechanisms to protect SPR from inappropriate withdrawal.

The Secretary of Energy has asked for a more responsible trigger mechanism than is contained in the underlying bill. The Secretary is right. We need that. This is our insurance policy if we have a blowup in the Middle East.

Second, by accepting the House bill, we would lose the opportunity to strengthen the weatherization program contained in the substitute and we would also lose the mandate for a yearly report from the Department of Energy on the status of our fuel heading into the winter contained in the substitute.

These are important issues. I am sure the Senator from California would agree that she would support these.

But, as a consequence, to suggest that we can accept the House bill that doesn't include the triggering mechanism is the very point that I want to bring up.

The Senator from California also said the Federal Government should not be in the oil business and that they don't do well in the oil business. I certainly agree. We don't do well with the Strategic Petroleum Reserve. We have bought high and sold low out of that reserve.

But it is even more important now that we have moved some of our oil to build up a heating oil reserve.

Isn't it ironic that the facts are, since the beginning of this year, more than 152,000 barrels of distillate—heating oils, light diesels, and so forth—have been exported each day. We are exporting fuel oils and heating oils that we ought to be holding in our reserve since we have a shortage of heating oil for the Northeast States that are so dependent on it. That is not what we are doing.

According to today's Wall Street Journal, that number is ballooning even higher because of tight supplies and higher prices in Europe. In other words, we need more of it here, but we are sending it over to Europe—as opposed to the administration putting a closure or requiring that crude oil be taken out of SPR and be refined for heating oil and held in this country in reserve.

That isn't in the requirement for the 30 million barrels that went out of SPR. The companies that bid on it can do whatever they wish with it. So we haven't accomplished anything. Where is it going? It is going to Europe.

I agree with the Senator from California that the Federal Government should not be in the oil business. They are doing a lousy job of it, and their SPR withdrawal is strictly a political cover to try to imply that the administration is doing something about the crisis so we don't get too excited about the election that is coming up. It is a charade.

The Senator from California claims the royalty-in-kind provisions are a charade allowing oil companies to pay fair market value—and this Senator is

trying to undercut efforts to resolve valuation issues.

While I would like to take credit for all the provisions in our bill, in fairness, they were worked out with the ranking member of the committee, Senator BINGAMAN, and the administration. In fact, the royalty-in-kind program was initiated in 1994 by none other than Vice President GORE as part of the reinvention of government to test new, more efficient ways of collecting its royalty share.

If the Senator from California is saying that AL GORE's efforts to reinvent government have been a failure and have cost the American taxpayer millions of dollars, I would certainly respect her opinion.

Furthermore, a provision requires that the Government receive benefits "equal to or greater" than it would have received under a royalty evaluation program.

Finally, the Senator accused me—the Senator from Alaska—of trying to move this program "in the dark of night."

Well, I am disappointed by that statement. Prior to even taking this substitute up on the floor, my staff approached the staff of the Senator from California to work to resolve concerns in a good-faith effort.

The staff of Senator BINGAMAN, the ranking member of the Energy Committee, which I chair, spent countless hours answering the Senator's questions and addressing her concerns. Unfortunately, those efforts evidently have been unsuccessful.

So any argument that the RIK language in this bill has not gone through an appropriate process pales in comparison to that alleged lack of process involved in a "rider" on the same subject the Senator from California supports in the Interior appropriations bill.

You cannot have it both ways.

The arguments are simply empty rhetoric premised on the assumption that oil companies are inherently bad and any program dealing with them must be flawed. The implication is that the oil companies are profiteering.

There is no mention that we were selling oil in this country at \$10 a barrel a year ago. Now it is \$33 a barrel.

Who sets the price of oil? Is it "Big Oil" in the United States? No. It is OPEC. OPEC provides 58 percent of the supply. It is Venezuela and Mexico. You pay the price, or you leave it.

I am prepared to bring up this bill under a reasonable time agreement, debate the issue at length, and have the Senator from California offer an amendment to strike the provision if she finds it objectionable. That is her right. I support that right.

But it is time we move the Senate version of this very important bill to reauthorize the Strategic Petroleum Reserve, and establish a home heating oil reserve, and get the administration focused on the reality that the oil they propose to take out of SPR is being refined and sent over to Europe to meet

their heating oil demands. That is the reality.

If we don't move this legislation, the Senator from California will have to bear the responsibility. It is unconscionable to me at a time when we face an energy crisis—not only oil and natural gas but other areas and in our electric industry—that we find some other important bills being held up. We have passed out of the Committee an electric power reliability bill. The purpose was the recognition that we have a shortage of generating capability in this country.

We have not expanded our generating capacity to meet the demand. As a consequence of that, we have not progressed with a distribution system to meet the demand that is growing. So out of the Committee, along with Senator GORTON, we specifically worked to get an electric power reliability bill. It is sitting here waiting for passage. What it does—and the administration wants it—it sets up a way to share the shortage.

That sounds ironic, but we have a shortage of generating capacity. We have seen spiking costs very high, hundreds and thousands of dollars, for short periods of time. The reliability bill administers in a fair manner, to ensure that if there is any surplus in one area, it is moved to other areas without the exposure of spiking. We cannot seem to move that on the floor of the other body. We are going into a timeframe where, if we get a cold winter and higher electric demands, we will need that legislation.

Another bill, of course, that we considered is our electricity deregulation bill, a comprehensive bill. The problem was there was a mandate to have 7½ percent of our energy derived from renewables. That is easy to say. The administration mandated that bill. But there is no way to enforce it because we simply don't have the technical capability to achieve 7½ percent of our energy from non-hydro renewables. It is less than 2 percent now.

They say we haven't spent enough money or been dedicated or made a commitment. I remind my colleagues, we have extended in 5 years \$1.5 billion in direct spending to subsidize development of renewables. We have given tax incentives for renewables of \$4.9 billion. I support renewables, but we just can't pick them up. The wind doesn't always blow outside. In my State of Alaska, it is not always sunny. Solar panels do not always work.

As a consequence, I remind my colleagues, when you fly out of Washington from time to time, you don't leave here on hot air, you need energy. We have a crisis. We have not passed the electric power reliability legislation, we have not passed comprehensive electricity deregulation, and we are in a situation where we have taken oil from SPR and now we are seeing that oil move to Europe.

I want to use the remaining time to do a contrast because I want to empha-

size the significance of the energy policies as proposed by our two Presidential candidates. Make no mistake, on energy policy the differences between Vice President GORE and Governor Bush could not be more clear.

Let's look at costs. We have added up the Bush proposal, \$7.1 billion over 10 years. The Gore proposal, which the newspapers have added up—which are usually somewhat favorable to the Vice President—costs 10 times more than that, somewhere between \$80 and \$125 billion. They are still trying to pin down the figures. The Vice President wants to raise prices and limit supply of fossil energy, which makes up over 80 percent of our energy needs. By discouraging domestic production, the administration has forced us to be more dependent on foreign oil, placing our national security at risk and, of course, raising prices.

The Vice President's only answer in the first debate was to give you solar, wind, biomass technologies, that are not yet available. Again, I remind my colleagues, we have spent \$1.5 billion in direct spending and \$4.9 billion in tax incentives over 5 years trying to develop more renewables.

In contrast, Governor Bush would expand domestic production of oil and natural gas, reduce imports below 50 percent, and ensure affordable and secure supplies by developing resources at home. He would invest ample resources into emerging clean fossil technologies, renewable energy, and energy conservation programs, but, most of all, he won't bet on our energy future. Governor Bush will use the energy of today to yield cleaner, more affordable energy sources for tomorrow.

Now, let's look at the record. The Vice President has said he has an energy plan that focuses not only on increasing the supply but also working on the consumption side. The facts show the Vice President doesn't practice what he preaches. The administration has actually decreased energy supply during the past 7½ years. They have opposed domestic oil production and exploration. We have 17 percent less production since Clinton-Gore took office. We have closed 136,000 oil wells and 57,000 gas wells since 1992. They oppose the use of plentiful American coal and clean coal technology. The EPA makes it uneconomical to have a coal-generating plant. The demand is there for energy, but clearly coal is simply almost off limits because of the process.

We force the nuclear industry to choke on its waste. We are one vote short in this body of passing a veto override, yet the U.S. court of appeals, in a liability case, ruled the Government had the responsibility to take the waste. The cost to the taxpayers here is somewhere between \$40 and \$80 billion in liability due the industry as a consequence of the Federal Government's failure to honor the sanctity of the contract.

They have threatened to tear down hydroelectric dams. Where are they

going to place the traffic that moves on barges? Put it on the highways? That will take away 10 percent of our Nation's electricity.

They ignored electric power reliability and supply concerns. Go out to San Diego and see the price spikes there—no new generation, no new transmission in southern California.

They have claimed to support increased use of natural gas, yet they have kept Federal lands off limits to natural gas production; approximately 64 percent of the overthrust belt in the Midwest—Wyoming, Colorado, Montana—is off limits to exploration. We all remember in this body the Vice President coming and sitting as President of the Senate, utilizing his tie-breaking vote in 1993 to raise the gas tax.

We recall initially he wanted a Btu tax to reduce consumption of energy when the administration first came in. There has been a series of taxes. We heard a lot about it in the debate the other day. The Vice President said the tax plan favors the richest 1 percent. Yet 2 percent of the people pay 80 percent of the taxes. He didn't mention that.

Talking about crude oil and the Vice President, instead of doing something to increase the domestic supply of oil, the Vice President seems to want to blame big oil for profiteering as a cause for high prices. This simply is an effort to distract attention from the real problems, to cover for this Administration's lack of a real energy strategy.

One year ago, oil was being given away at \$10 a barrel. Who was profiteering, Mr. Vice President? Were American oil companies simply being generous? The small U.S. companies—"Small Oil"—were suffering, with 136,000 stripper and marginal oil wells closed. Our domestic energy industry was in real trouble. Stripper wells cannot make it at \$10 a barrel.

The six largest oil companies—AL GORE's "big oil"—only comprise 15 percent of the world oil market. In contrast, OPEC—Saudi Arabia, Iran, Venezuela, Mexico, Iraq—produce 30 million barrels a day and control 41 percent of the world's oil market. OPEC controls the supply. Therefore, they set the price, not the United States.

If we don't like their price, I guess we don't have to buy their oil. But obviously we are addicted to it. By discouraging domestic exploration and increasing our reliance on foreign oil, the Vice President would take away that option, essentially, forcing us to pay OPEC's price for oil, holding us hostage to foreign governments, as the case is now.

What about Governor Bush? He would encourage new domestic oil and gas explorations. As he said Tuesday: The only way to become less dependent on foreign sources of crude oil is to explore at home. Charity begins at home.

Just opening up the ANWR Coastal Plain in my State of Alaska to exploration would increase domestic production by a million barrels a day. I bet it would drop the price of oil \$10 to \$15 a barrel. The same amount, a million barrels a day, is slightly more than what we import from Iraq. Here is a person we don't trust, whom we fought a war against, yet we are dependent on, and that is Saddam Hussein. Shouldn't we produce this oil at home rather than risk our national security by relying on Iraq for energy needs?

Yesterday I gave a few facts, not fiction, about oil exploration and gas exploration in my State. My colleague from Nevada, who is not on the floor today, continued to refer to outdated estimates and recoverable oil from ANWR using oil prices. He said at a price of \$18 a barrel, ANWR was likely to yield a low-end estimate of 2.4 billion barrels, but that still is 1 million barrels a day for 6 years, Mr. President.

And the prices will be much higher than that—they will be \$25 a barrel, or more. According to the U.S. Geological Survey, the ANWR Coastal Plain is likely to yield 10 billion barrels of recoverable oil, nearly as much as Prudhoe Bay. But it is interesting to reflect on Prudhoe Bay because that one area has supplied one-fifth of our oil needs for the last 20 years. ANWR could do the same for the next 20 years. Remember the realities associated with estimates. They estimated Prudhoe Bay would produce 10 billion barrels, and it has produced over 12 billion and is still producing over a million a day.

I want to talk about natural gas because Governor Bush's energy plan is more than just increasing the domestic supply of oil. He would also expand access to natural gas on Federal lands and build more gas pipelines.

The Vice President makes no mention of natural gas, leaving the most critical part of America's energy mix policy simply unsaid. Yet natural gas is vital for home heating and electric power. 50 percent of U.S. homes, 56 million, use natural gas for heating. Natural gas provides 15 percent of our Nation's electric power, and that generating capability has no place to go for more capacity other than natural gas because you can't get permitted. Mr. President, 95 percent of our new electric power plants will be powered by natural gas as the fuel of choice, but this administration refuses to allow the exploration and production of gas, or the construction of pipelines, to increase the supply of gas to customers.

Demand has gone up faster than supply. This yields higher prices. And our demand for gas will only increase. The EIA expects natural gas consumption to increase from 22 trillion cubic feet now to 30 to 35 trillion cubic feet by 2010.

The administration touts natural gas as its bridge to the energy future—our cleanest fossil fuel—fewer emissions, efficient end use for industrial and res-

idential applications, huge domestic supply, no need to rely on imports. Yet they place Federal lands off limits to new natural gas production. Where are we going to get it? Mr. President, 64 percent of the Rocky Mountain overthrust belt is off limits. The roadless policy of the Foreign Service locks up 40 million acres of public land, and there is a moratorium on OCS drilling until 2012. Where is it going to come from, thin air?

AL GORE would even cancel existing leases. He made a statement in Rye, NH, on October 21, 1999:

I'll make sure there is no new oil leasing off the coasts of California and Florida. And then I would go much further: I will do everything in my power to make sure that there is no new drilling off these sensitive areas—even in areas already leased by previous administrations.

The American people ought to wake up. Where is our energy going to come from? Now there is no strategic natural gas reserve, is there, like we have for an oil, for the Vice President to fall back on in the case of natural gas prices. This administration simply ignored energy, and now we are in trouble and they are covering their behind.

Natural gas is now over \$5.30 per thousand cubic feet. Less than 10 months ago it was \$2.16.

The differences are clear. The Vice President would limit new natural gas production and force higher prices for consumers. Governor Bush would encourage domestic production of natural gas and the construction of pipelines to get it there.

We talked, finally, about renewables. The Vice President said Tuesday that:

We have to bet on the future and move beyond the current technologies to have a whole new generation of more efficient, cleaner energy technologies.

That sounds fine, but how are we going to get there? I think we all agree in this case our energy strategy should include improved energy efficiency, as well as expanded use of alternative fuels and renewable energy and a mix of fuel oil, natural gas, nuclear, and hydro.

But the critical question is how do you get there from here? The Vice President would make a bet. He would bet that by diminishing supply of conventional fuels such as oil and natural gas, you will be more willing to pay higher prices and make renewables competitive. He will support higher energy taxes, just as he did in 1993 when he cast the tie-breaking vote to raise gas taxes. And he will favor more regulations, more central controls on energy use standards for each part of our everyday life.

The Vice President will tell you what kind of energy you could use, how much of it you could use, and how much you would have to pay for it.

In contrast, Governor Bush would harness America's innovative technological capability and give us the technologies of tomorrow by using the American "can do" spirit. Governor

Bush would set aside the up-front funds from leasing Federal lands from ANWR, for oil and gas—the "bid bonuses"—to be earmarked for basic research into renewable energy. He has a plan. It is a workable plan. It is not smoke and mirrors. The production royalty from oil and gas leases would be invested in energy conservation and low-income family programs such as LIHEAP or weatherization assistance. Using tax incentives, Governor Bush would expand use of renewable energy in the marketplace—building on successful experience in the State of Texas. As a result of Governor Bush's efforts on electricity restructuring, Texas will be one of the largest markets for renewable energy, about 2000 new megawatts.

Finally, Governor Bush would also maintain existing hydroelectric dams and streamline the Federal relicensing process. AL GORE would breach the dams in the Pacific Northwest.

The Vice President will try to lay the blame on Congress. He said we have only approved about 10 percent of their budget requests for renewable energy. Here again the Vice President is twisting the facts. According to the Congressional Research Service, we have provided \$2.88 billion in funding for renewable energy since 1992; 86 percent of their request.

The conclusion, the bottom line, is the contrast between the candidates and their energy policies could not be more clear. The Vice President wants to raise prices and limit the supply of fossil energy which makes up over 80 percent of our energy needs, replacing it with solar, wind, and biomass technologies which are just not widely available or affordable today.

Governor Bush would expand the domestic production of oil and natural gas, ensuring affordable and secure supplies. He won't bet on our energy future. Governor Bush will use the energy of today to yield cleaner more affordable energy sources for tomorrow.

The choice for the American consumers on November 7 is clear. Support a candidate with a positive plan to reduce dependence on Saddam Hussein, the Middle East, and other areas; produce here at home and use all our energy resources, our coal, our oil, our hydro, our nuclear, and natural gas because we are going to need them all to keep the U.S. economy going.

Remember, you can't fly out of here on hot air.

I yield the floor.

THE PRESIDING OFFICER (Mr. VOINOVICH). The time until 2 o'clock is under the control of the Senator from Illinois.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent I be allowed to speak for up to 5 minutes, with the consent from the Senator from Illinois.

THE PRESIDING OFFICER. Without objection, it is so ordered.

YUGOSLAVIA

Mrs. HUTCHISON. Mr. President, it is my intention to speak for a couple of

minutes, and then I will suggest the absence of a quorum and ask if the distinguished Chair would also like to say a few words. And if he indicates such, I will step aside.

I want to speak about something that is happening that is very important to our country and to the rest of the world. As we speak, hundreds of thousands of Yugoslavian people are demonstrating in the streets, saying they want the election result to be declared. It was an election. There is a question about how free it was.

Certainly President Milosevic is trying to have a runoff, to have time to get his troops back together. But it is clear the people of Yugoslavia are standing up for their rights. During all the time the United States has been dealing with the issue of President Milosevic and his wife continuing to keep down the people of Yugoslavia and the satellite countries—Montenegro, Macedonia, Kosovo—to keep them from having the opportunity to express their free will, we in America have said to the people of Yugoslavia: Please, make your voices heard.

We will be supportive of what the people of that country want to happen. Clearly, there has been somewhat of a revolution in this last election period. I hope and pray for the people of Yugoslavia that they will get their voice, that they will have their voices heard, that they will have representation in Parliament, and that the truly elected President of Yugoslavia will be able to take office.

It is impossible for us to know if the election was fair. It is impossible for us to know if there should be a runoff. Certainly the people have taken matters into their own hands, and they have shown a spirit that cannot be denied.

The hearts and prayers of the people of America are with the people of Yugoslavia today, hoping they will be able to have a free and fair Presidential election; that they will be able to have a Parliament that is truly representative of the people of Yugoslavia. That extends to the people of Montenegro, the people of Macedonia, the people of Kosovo, that they, too, will have their free will to be in control of their countries.

We are watching in our country and we wish them the best. We hope the people of Yugoslavia can take control of their own destiny. That is what we would wish for every person in the world, for every country in the world, and no less certainly for Yugoslavia.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FITZGERALD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FITZGERALD. Mr. President, I express my appreciation to all the

Members of this distinguished body and, in particular, our Senate leaders on both sides of the aisle for the opportunity they have given me over the last couple days to speak to a matter of great importance, in my mind, a matter which, though it concerns only a relatively small portion of the Interior conference committee report that is before the Senate, I think nonetheless is a matter that goes to the heart of the Government's appropriations process.

I want to review and describe the filibuster I have conducted since about 2 days ago. It has had four major parts.

First, I explained the project about which I was concerned: The Abraham Lincoln Presidential Library to be built in Springfield, IL. This is a project I support, and I am working to help make sure the project is adequately funded over the next couple years in the Senate.

Second, I explained our insistence on Federal competitive bidding and described the bill the Senate supported which detailed the competitive bid provision. This body, on its own, when focused on the narrow issue of whether the Federal funding the Congress is approving for the Abraham Lincoln Library would require that the project be competitively bid in accordance with Federal bidding guidelines, all Members from all 50 States, agreed that the Federal competitive bid guidelines should be attached.

However, the Interior conference committee report that is before us has stripped out that competitive bidding requirement, and since the project now is in the heart of this Appropriations Committee report, which has many other projects and appropriations for programs and Departments of the Federal Government all over the country, it is now in a bill that will no doubt pass the Senate.

Third, I compared the State versus the Federal procurement process and procedure.

Finally, I gave the context in which these concerns arise. I read a series of articles from publications from throughout the State of Illinois that discussed, first, the various contexts in which the issues of competitive bidding have come up in the State of Illinois and, second, the potential for insider abuse when there are not tight requirements that competitive bidding be applied to a government construction project or a government lease or to practically any kind of project in which the Federal or State government is involved.

It has been my effort to make the best possible case that Federal competitive bidding rules should be attached to the Lincoln Library.

I began by reviewing the time line of this project. This project was first discussed 2 years ago, or more, under the administration of then Gov. Jim Edgar of the State of Illinois. In the first few months of February 1998, Governor Edgar at that time was proposing a \$40

million library. Later, we saw how, by March of 1999 in a new administration, the project had grown to a \$60 million project. Then we saw how, by April of 1999, they were discussing \$148 million project to construct the Abraham Lincoln Presidential Library in Springfield, IL.

Since then, I think the numbers have fallen back down, and we are really talking about a \$115 million to \$120 million project: \$50 million will come from the Federal Government, \$50 million will come from the State, and the rest will come from private sources.

I also talked about the specific language in the Interior conference committee report that is before us.

I noted that that authorization for \$50 million in funding, coupled with an appropriation for \$10 million that would be distributed in this fiscal year, does not specify who is to get the \$50 million authorization. The authorization language does not require that the money be delivered to the State of Illinois. It says the money will be delivered to an entity that will be selected later by the Department of the Interior in consultation with the Governor of the State of Illinois.

I have been concerned by the wide open nature of that language. When you think about wording a bill that money will be funneled to an entity that is going to be selected later, we do not know what that entity is. That raises cause for concern. What happens if that money falls outside of the hands of State or Federal officials altogether and is in private hands? Will there be any controls on it at all?

I also mentioned that I was concerned, if this money did go to the State of Illinois—it may well go to the State of Illinois—the State would probably hand it over to its Capital Development Board.

I noted that the Illinois Capital Development Board, which builds many of the State's buildings, such as prisons, built the State of Illinois Building in the city of Chicago, IL. They have an unusual provision in the general State procurement code, a highly irregular and unusual provision, that allows the Capital Development Board to establish "by rule construction purchases that may be made without competitive sealed bidding and the most competitive alternate method of source selection that shall be used."

I pointed out that with this lack of a hard and fast requirement, if the money were to flow to the State of Illinois, and the Capital Development Board were to construct this library, the Capital Development Board, by their own statute, would have the authority to opt out of competitively bidding this project.

I do not think a project of any magnitude, paid for by the taxpayers, should be done without competitive bidding. Obviously, there is too much potential for abuse. We want to make sure we get the best value for the taxpayers. It would be irresponsible for



the Congress to not require competitive bidding, in my judgment, and not just on a small project but most particularly for a very large project such as this, a \$120 million project.

I also want to note—to give some scale to the size of a \$120 million building—we have some Illinois structures and cost comparisons. The source for this is the State Journal-Register, the newspaper in Springfield, IL, from a May 1, 2000, article.

They said that the estimated cost, adjusted for inflation, of building the Illinois State Capitol in today's dollars would be \$70 million. So \$120 million is much more expensive. The Lincoln Library would be much more expensive than the State capital.

There is another building in Springfield that is worth \$70 million. That is the Illinois State Revenue Department building, the Willard Ice Building, built in 1981 to 1984. It would probably cost about \$70 million to build. That is a huge building.

The Prairie Capital Convention Center: It is estimated to have cost \$60 million in today's dollars.

The Abraham Lincoln Library will be much more expensive than all of these very major buildings in Springfield, IL. On a project of this magnitude, obviously we need to have the construction contracts competitively bid.

In discussing the State procurement code, I noted that the State Capital Development Board had the ability to opt out of competitively bidding projects. It was for that reason, when I saw the language of this measure that originally came over to us from the House, I decided we ought to look at attaching tougher guidelines.

We compared the State procurement code to the Federal procurement code, and I determined that in order that we not have to worry about the State opting out of competitive bidding, and in order that we not have to worry about some other flaws in the State procurement code, we would instead attach the Federal guidelines.

When I was in Springfield as a State senator for 6 years, back in 1997 I voted for the current State procurement code. It is indeed some improvement over the old State procurement laws. Nonetheless, it does have some problems and it could be better. I regret that I missed the loophole that allows the Capital Development Board to opt out of competitively bidding a project.

I also discussed, at length, yesterday how the Capital Development Board was sending around a letter saying they would competitively bid this project, no matter what. They also suggested that their rules require them to competitively bid this project.

That contention is conclusively demolished by the language of the State statute, which shows that they do not have to competitively bid. They are sending out a letter saying they would competitively bid. Obviously, that does not create a legal requirement. They sent the letter to me. Maybe it creates

a contractual obligation to me, but it does not make them legally accountable in the bidding process. How can you hold someone accountable if the code is optional? That is the problem with the State procurement code.

Furthermore, I noted, when I had a discussion with Senator DURBIN—he, of course, along with all other Senators in this body, supported the passage of the Senate provision which required competitive bidding in accordance with the Federal guidelines. However, he did raise the question, How would the State be able to adapt itself so it would apply the Federal competitive bidding guidelines?

I pointed out that the State code contemplates, in fact, that from time to time Federal guidelines will be attached on grants from the Federal Government and that the State has statutory authority to adopt all its forms and procedures in order to make sure they can comply with guidelines imposed by the Federal Government, much in the same way the State would have to comply with any guidelines the Federal Government gave along with funding for education, for health care for the indigent, for Medicaid dollars, or the like. Absolutely, there is nothing wrong with that, nor is there anything unusual about that. That is why the State contemplates it in its procurement code.

I also reviewed, at length, the context in which this debate has occurred. I read a series of articles from publications throughout the State of Illinois into the RECORD. Those articles discuss the various contexts in which competitive bidding had come up before in the awarding of construction contracts, of leases for State buildings, of licenses for riverboats.

I also discussed loans the State had given out back in the early 1980s to build luxury hotels, loans that never were repaid, and it seemed the borrowers had never really been held fully accountable.

I told you that from my experience of several years in the Illinois State legislature, I could not casually dismiss this history. It is seared in my memory from many bruising battles I had when I was a State senator in the Illinois State Senate from 1993 to the end of 1998.

Finally, we asked the question whether the Lincoln Library is another one of those insider deals, such as the ones we discussed when we read into the RECORD stories of leases of State buildings to the State in which it seemed the people who owned the property made out real well but the State seemed to be paying very exorbitant rental rates, and also mishaps that we had with construction projects in the past.

We described how, with the very lucrative Illinois riverboat licenses, some of which could be worth in the hundreds of millions of dollars each, the minute you got one of those riverboat licenses, you would have the ability to

earn in some cases \$100 million a year, and that these licenses could be considered extremely valuable. They would probably sell on the open market for many times the amount of annual earnings that would accrue to one of those licenses.

We described how those very valuable licenses were given out in the State of Illinois on a no-bid basis for a total consideration of \$85,000 apiece. I described how I thought that was wrong, that those licenses, instead of being handed out as political bonbons to connected political insiders who happen to be longtime, big-dollar contributors to both sides of the aisle, that we should not have just given them away like that. They should have been competitively bid, and the people who wanted those lucrative licenses should not have been going through the legislature or through a gaming board made up of officials handpicked by the Governor to see who would become the next multimillionaire in the State of Illinois.

Had we had competitive bidding for those riverboat licenses, then we might not have had all the articles written about how it was that only a handful of politically connected people just happened to wind up being the ones who got these phenomenally lucrative gambling licenses.

They were lucrative licenses not only because they were gambling licenses but because they were monopoly licenses. There could be only 10 riverboats in the State of Illinois. If there could only be 10 restaurants or 10 hotels in the State of Illinois, then the license to operate one of those restaurants or hotels would be very valuable as well.

We reviewed at length all the problems that happened and all the questions that get raised when a governmental body gives out privileges or contracts or leases without tight procedures to make sure that political favoritism does not enter into the equation and without tight guidelines to make sure there is a fair and equitable competitive bidding process.

After this whole discussion, in which some names of prominent political people seemed to be coming up again and again and again in many of the articles, we finally arrived at the question, is this Abraham Lincoln Library to be built in Springfield—the construction has not started yet; it is scheduled to start on Lincoln's birthday next year, 2001; they have awarded some architecture and engineering contracts and some design contracts—just another insider deal? We concluded that it may or may not be. We won't know until it is done, until we see how it is done. But we concluded that, clearly, given the whole history of problems we have seen again and again and again in recent State history with the awarding of construction contracts, leases, privileges, licenses, that we ought to do our very best to prevent this project from becoming just one more insider deal. And

we noted what a horrible, ugly irony it would be if a monument to "Honest Abe" Lincoln, arguably our country's greatest President, wound up having any taint at all.

That is what we are seeking to avoid. We should do our very best to prevent it from becoming an insider deal.

Moreover, we have many red flags that have to be taken into account. We have the price increases from \$40 to \$60 to now \$120 million. We have the location of the library. The library site has recently been selected. This is a map of Springfield. This is the State Capitol complex. This is where Abraham Lincoln's home is. It is now run by the National Park Service. There is, in fact, an entire neighborhood that has been renovated and kept up to look as we think it looked in the day and age that Abraham Lincoln and his family lived there.

This is where the Capital Convention Center is. This is where the Abraham Lincoln Library is now planned. That was the site selected. Maybe that is the best site. I don't know. One may never know. It is close to the old State Capitol, which Abraham Lincoln actually served in and spoke in when he was a State legislator. It is near the Abraham Lincoln law office. Is it the best site? I don't know. Did political favoritism come into consideration in selecting that site? I don't know. We don't know.

One thing is interesting, though. This hotel, the Renaissance Springfield Hotel, is very close to the proposed library. That is the hotel that, as we discussed yesterday, was built with taxpayer money in the form of a State loan given out back in the early 1980s. The loan was never paid back, though some payments were made on the loan. The people who got the loan still own the hotel and still manage it. Presumably if the Lincoln Library results in increased tourism revenue and more people coming to visit the city of Springfield, there will be a lot of tourist dollars. Some projections estimate as much as \$140 million in tourist revenue will be added by the construction of the library in Springfield. Certainly some of that would probably accrue to the benefit of those who have the Renaissance Springfield Hotel.

The price increases, the location of the library, we note these things. We note the involvement of individuals whose names have come up in the past and were described again and again in many of the articles read into the RECORD. And we note the general problem that the State has had with projects such as this in the past.

Given all these red flags, isn't it appropriate that we be extra careful and that we do everything we can to ensure that the project be appropriately competitively bid? It is for that reason that I attached the Federal competitive bid guidelines when the authorization bill came into the Senate. These guidelines were adopted unanimously in the Senate Energy Committee and,

ultimately, the whole Senate unanimously adopted these guidelines and sent the bill back to the House.

We are here today because we have to vote on the Interior conference committee report which has appropriations for the project tucked in, but with the Senate requirements for competitive bidding in accordance with Federal guidelines stripped out. It is the fact that those competitive bid guidelines are not contained within the authorization and appropriations for the library in this Interior conference committee report that I am here on the floor of the Senate.

Mr. President, this debate, as I have said, goes to the very heart of the appropriations process itself. We need to take great care with the taxpayers' money. The money represents precious hours of hard work, sweat, and time away from their families. The American people are fundamentally generous and they will permit reasonable expenditures for the good of their country and their communities. The people of Springfield, IL, are as generous as any, and they are as fine a people as any.

I have heard more from the people of Springfield, IL, than from anywhere else in my State about the importance to them of having an honest and ethical bidding process on this library that they hope will be a credit to their community for ages to come. But while the people are generous and they are willing to permit us to make reasonable expenditures in support of our States and communities, the taxpayers do expect that they not be abused. We need to do our best to make sure there are sufficient safeguards so that the people can know their hard work is not being trampled on, that politically connected individuals are not deriving private profit at the expense of the taxpayers, all under the guise of a public works project.

I know that in this Chamber our remarks go out to the entire country. I am well aware of it in this debate because our office is receiving correspondence from people all over the United States who find interesting what has happened in Illinois. But I want to address these remarks now exclusively to the people of my State—the land of Lincoln—Illinois.

In a very short time now, the Senate will soon take a vote on the Interior appropriations conference report. This is the vehicle that contains the Lincoln Library provisions we have been talking about in this filibuster.

When the Senate votes, we will lose because the Interior bill itself is a bill with considerable support for projects around the country—it is an \$18 billion bill that literally has implications for every State in the Nation—my colleagues will vote for it. Even those who, along with me, believe the Lincoln Library should have Federal competitive bidding rules attached to the money that will be appropriated today will do so.

As I have noted, all Members of this body, earlier this week, voted in favor of Federal competitive bidding guidelines for this project when we had a vote just on that narrow issue. We cannot have a vote to take out the language that is in the conference committee report that does not require the competitive bidding. These are the rules of the Senate. However, when the vote is called and we lose, I do not want the people of Illinois to be discouraged by the difficulties we have encountered. If nothing else, from the materials we have introduced into the RECORD, it is clear that the political culture of Illinois is entrenched and formidable—so entrenched and formidable that a simple provision such as competitive bidding could become controversial.

Our effort in these last couple of days is just a baby step. Real change can only come as the people of Illinois see more, know more, and gradually come to realize that they do indeed have the power to make it different. Real change comes from the bottom, from the people up. All those of us in this body can do is observe, think, exercise our very best judgment, and then make the case.

Today and yesterday, we have made the case. In a little while, the opponents of our simple competitive bid requirement will prevail. But the next time you hear of leases, or loans, or capital projects, or riverboat licenses going to political insiders, you will remember this debate; and together we will rejoin the fight and redouble our efforts for the next time.

Mr. President, I yield the floor.

Mr. GRASSLEY. Mr. President, I ask unanimous consent to speak as in morning business for 10 minutes.

The PRESIDING OFFICER. Is there objection? I object.

Mr. GRASSLEY. May I speak just on the bill?

The PRESIDING OFFICER. Can we suggest the absence of a quorum?

Mr. GRASSLEY. I don't want to go through that if I don't have to.

Mr. FITZGERALD. Mr. President, I yield the remainder of my time to the occupant of the chair, Senator VOINOVICH from Ohio.

(Mr. FITZGERALD assumed the chair.)

#### ELECTIONS IN THE BALKANS

Mr. VOINOVICH. Mr. President, as my colleagues are well aware, I have a keen interest in what happens in the Balkans because I believe what happens in Southeastern Europe impacts on our national security, our economic well-being in Europe, the stability of Europe and yes, world peace.

For the better part of the 20th Century, Western Europe and the U.S. have had an enormous stake in what has occurred in Southeastern Europe.

However, we have not done enough to pay attention to what is happening there, dating back to the time when former Secretary of State, Jim Baker, said of Yugoslavia that "we don't have a dog in this fight."

Unfortunately, that line of thinking has prevailed, and we've allowed Slobodan Milosevic to wreak havoc. Over the last decade, he has spread death and destruction to the people of Serbia, Kosovo and Croatia and we all know that U.S. troops now are in Kosovo and Bosnia because of him.

Even a U.S. and NATO led air war last year was not sufficient to bring an end to the Milosevic regime.

Since the end of the war, I have been working hard on three essential items that I believe will bring peace and stability to the region. First, I have been working with leaders here and abroad to help stop the ethnic cleansing in Kosovo; second, to try and make sure that we keep our promises to the Stability Pact of Southeast Europe. To that end, I recently met with Bodo Hombach, the head of the Stability Pact to underscore the importance of the Stability Pact; and third, I have been working tirelessly to support democracy in Serbia, a cause I took on when I was governor of the State of Ohio.

When I was in Bucharest at the Organization for the Security and Cooperation of Europe, OSCE, in July of this year, I introduced a resolution on Southeastern Europe that called to the attention of the OSCE's Parliamentary Assembly the situation in Kosovo and Serbia, and made clear the importance of democracy in Serbia.

I pointed out to my OSCE colleagues in that resolution that Milosevic was a threat to the stability, peace and prosperity of the region. I argued that in order for the nations of that region to become fully integrated into Europe—for the first time in modern history—Milosevic's removal from office was absolutely essential.

My resolution put the OSCE, as a body, on record as condemning the Milosevic regime and insisting on the restoration of human rights, the rule of law, free press and respect for ethnic minorities in Serbia. I was pleased that my resolution passed, despite strong opposition by the delegation from the Russian Federation.

Many people had become resigned to the fact that if the NATO bombing and the hardships that followed the end of the air war did not produce widespread anti-Milosevic sentiment, the prospect for Milosevic's removal from office by the Serbian people would not happen any time soon. Even Milosevic himself felt confident enough in his rulership of Yugoslavia to call for general elections nine months earlier than they were supposed to occur.

On Sunday, September 24th, historic elections took place in Yugoslavia in spite of the worst type of conditions that could possibly hamper free and fair elections, including military and police presence at polling places; ballots counted by Milosevic appointees; reports of "ballot stuffing;" intimidation of voters during the election process; and the refusal to allow independent observers to monitor election practices and results.

In spite of all that, the people won. They won because of the old Serbian slogan—Samo, Sloga, Srbina, Spasava—which translates into "only unity can save the Serbs", or, "in unity there is strength for the Serbs."

And I might say the opposition finally got its act together with prayers to St. Sava, and with enlightenment from the Holy Spirit.

It was the political force of the people that propelled law professor, and political unknown, Vojislav Kostunica, to victory.

This monumental victory over an indicted war criminal proves that the Serb people strongly desire positive change. They want to see their country move beyond the angry rhetoric and nationalistic fires fanned by Milosevic.

And let me make this point clear: Mr. Kostunica's victory and his support are not the result of Western influence.

And although Milosevic had previously acknowledged that Mr. Kostunica had more votes, we learned yesterday afternoon that his pawns on the constitutional court declared that the September 24th elections were unconstitutional.

This latest and most blatant attempt by Milosevic to thwart the will of the people is the final insult to the citizens of Yugoslavia.

The citizens of Yugoslavia—through a constitutional election—have spoken. They have elected a new President.

The Serb people, driven by a desire to live free from the dictatorship of Milosevic, have been pushed to take their election mandate by force. They are, at this very moment, engaged in a struggle to throw off the shackles of oppression.

In light of these developments, I am prayerful that the Serb people will be able to enforce their will, and that they will remember their slogan—Samo, Sloga, Srbina, Spasava—and remain united at this very important time for freedom.

I also pray that the Serb military and police forces will avoid bloodshed, recognizing that their brothers and sisters only seek the freedom that a tyrant has denied them.

Let me be clear, Mr. President: this is not a revolution. The Serb people are enforcing the mandate of their election because this man who has been beaten refuses to relinquish power.

He ought to understand that he's either going to walk out of there or go out on a stretcher or in a body bag.

Mr. President, we in the United States must render our support to the Serb people immediately, and convince our allies and the nations of the world that Vojislav Kostunica is the new and legitimately elected leader of Serbia, and we need to convince Russia that they should immediately tell Milosevic that the game is over; it's time to go.

Mr. President, we also need to assure the Serbian people—who have been long-standing friends of this nation and also our allies in World War II—that we

are still their friends and that it is Milosevic who has been the problem, not the Serbian people.

The Serb people need to know that with their new leader, Vojislav Kostunica, we will remove our sanctions against Serbia and help them reinvigorate their economy and re-establish their self-respect and the United States will welcome them into the light of freedom and a bright new chapter in Serbian history.

Thank you Mr. President. I yield the floor.

Mr. MCCAIN. Mr. President, once again, we are witness to the belated if inevitable fall of a tyrannical regime that failed to convince the population under its control that its worst enemy lay outside that nation's borders. As I speak, the Serbian people are storming Yugoslavia's Parliament building and seizing television stations. In the town of Kolubara, coal miners and tens of thousands of supporters have openly and peacefully defied the Milosevic regime's efforts at stemming the tide of history. A regime that stands accused of crimes against humanity is on its deathbed, and the United States must not hesitate to declare its unequivocal support for those brave enough to defy that regime.

The people of Yugoslavia have spoken very clearly. They turned out to elect a new President, and Slobodan Milosevic's efforts to manipulate the democratic process has not succeeded. The formidable internal security apparatus that Milosevic and his supporters in the Socialist Party, as well as the Yugoslav United Left, the Communist organization led by his wife Mirjana Markovic, have established cannot save him.

The new defense doctrine President Milosevic approved just 2 months ago listed as its highest priority preservation of the regime that today finds itself under the gravest threat to its survival. While the United States must exercise care in how its role in developments in Serbia are perceived, it must not fail to lend its moral support to those fighting for democracy.

Since 1992, the Balkans have been the scene of the bloodiest fighting in Europe since World War II. The wars that have ravaged Bosnia-Herzegovina and Kosovo produced a list of war criminals that will take years to try, in the event they are brought to justice. A tremendous amount of the blame for that situation resides in one man—Slobodan Milosevic. He was instrumental in creating the environment in which those atrocities occurred and presided over military campaigns that gave the world a new and onerous phrase: ethnic cleansing.

There are those who believe the United States did not have a role to play in supporting democratization in Serbia. Those of us who supported S.720, the Serbia Democratization Act, however, have remained firm in our conviction that U.S. support for democracy in that troubled nation was

something to be proud of and could play a positive role in facilitating positive change in Yugoslavia. That S.720 has remained stuck in the House is unfortunate, but the message that it sent merely by its introduction was powerful. We cannot selectively stand for freedom and should not be ashamed that it provides the moral foundation of our foreign policy. Ongoing events in Serbia illustrate vividly the intense desire for democracy in Serbia and the United States should not hesitate to state its strong support for the election of Vojislav Kostunica and for the forces of change in Yugoslavia.

The Balkan powderkeg is facing its most promising period of change since the end of the Cold War. We should not be idle witnesses to that change. I urge the House to speak forcefully on this issue by passing the Serbia Democratization Act at once. The symbolism of U.S. support for democratic change will not play into the hands of a discredited regime in its death throes. On the contrary, it will tell the people of Yugoslavia that we stand with them on the verge of a new era.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

#### CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the conference report to accompany H.R. 4578, the Department of the Interior appropriations bill.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the conference report to accompany H.R. 4578, the Interior appropriations bill, shall be brought to a close? The yeas and nays are required under the rule. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Vermont (Mr. JEFFORDS) is necessarily absent.

Mr. REID. I announce that the Senator from California (Mrs. FEINSTEIN) and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The yeas and nays resulted—yeas 89, nays 8, as follows:

[Rollcall Vote No. 265 Leg.]

Abraham	Baucus	Bingaman
Akaka	Bayh	Bond
Allard	Bennett	Boxer
Ashcroft	Biden	Brownback

Bryan	Hagel	Murray
Bunning	Harkin	Nickles
Burns	Hatch	Reed
Byrd	Helms	Reid
Campbell	Hollings	Robb
Chafee, L.	Hutchinson	Roberts
Cleland	Hutchison	Rockefeller
Cochran	Inouye	Roth
Collins	Johnson	Santorum
Conrad	Kennedy	Sarbanes
Craig	Kerrey	Schumer
Crapo	Kerry	Sessions
Daschle	Kohl	Shelby
DeWine	Kyl	Smith (OR)
Dodd	Lautenberg	Snowe
Domenici	Leahy	Specter
Dorgan	Levin	Stevens
Durbin	Lincoln	Thomas
Edwards	Lott	Thompson
Enzi	Lugar	Thurmond
Frist	Mack	Torricelli
Gorton	McConnell	Voinovich
Gramm	Mikulski	Warner
Grams	Miller	Wellstone
Grassley	Moynihan	Wyden
Gregg	Murkowski	

#### NAYS—8

Breaux	Graham	McCain
Feingold	Inhofe	Smith
Fitzgerald	Landrieu	

#### NOT VOTING—3

Feinstein	Jeffords	Lieberman
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The PRESIDING OFFICER. On this vote, the yeas are 89, the nays are 8. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The Senator from Washington.

Mr. GORTON. Will the Presiding Officer state what the order of business is now?

The PRESIDING OFFICER. There is a time limit on the conference report, 10 minutes equally divided between the two managers, 10 minutes equally divided between the chairman and ranking member of the Appropriations Committee, 30 minutes under the control of Senator LANDRIEU, and 15 minutes under the control of Senator MCCAIN.

Mr. GORTON. I thank the Presiding Officer, and I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I rise in opposition to the bill.

I ask unanimous consent that a list of the unauthorized and unrequested earmarks, earmarks added in conference, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### OBJECTIONABLE PROVISIONS IN H.R. 4578, CONFERENCE REPORT FOR FY 2001, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS

##### Bill Language

Additional \$1,762,000 for assessment of the mineral potential of public lands in Alaska pursuant to section 1010 of Public Law 96-487.

Earmark of \$2,000,000 provided to local governments in southern California for planning associated with the Natural Communities Conservation Planning (NCCP) program.

Earmark of \$1,607,000 for security enhancements in Washington, D.C.

Earmark of \$1,595,000 for the acquisition of interests in Ferry Farm, George Washington's Boyhood Home and for management of the home.

An additional \$5,000,000 for Save America's Treasures for various locale-specific projects.

Earmark of \$650,000 for Lake Champlain National Historic Landmarks.

Earmark of \$300,000 for the Kendall County Courthouse.

Earmark of \$365,000 for the U.S. Grant Boyhood Home National Historic Landmark which should be derived from the Historic Preservation Fund.

Earmark of \$1,000,000 of the total of the grants made available to the State of Maryland under Title IV of the Surface Mining Control and Reclamation Act of 1977 if the amount is set aside in an acid mine drainage abatement and treatment fund established under a State law.

Earmark of \$300,000 shall be for a grant to Alaska Pacific University for the development of an ANILCA training curriculum.

Provision stating that none of the funds in this Act may be used to establish a new National Wildlife Refuge in the Kankakee River basin that is inconsistent with the United States Army Corps of Engineers' efforts to control flooding and siltation in that area.

Provision stating that notwithstanding any other provision of law, the Secretary of the Interior shall designate Anchorage, Alaska, as a port of entry for the purpose of section 9(f)(1) of the Endangered Species Act of 1973.

Provision stating that notwithstanding any other provision of law, the Secretary of the Interior shall convey to Harvey R. Redmond of Girdwood, Alaska, at no cost, all right, title, and interest of the United States in and to United States Survey No. 12192, Alaska, consisting of 49.96 acres located in the vicinity of T. 9N., R., 3E., Seward Meridian, Alaska.

Provision which requires a land exchange regarding the Mississippi River Wildlife and Fish refuge.

Provision which authorizes a land exchange in Washington between the Fish and Wildlife Service and Othello Housing Authority.

Provision which authorizes the establishment of the First Ladies National Historic Site in Canton, Ohio.

Provision which authorizes the Palace of Governors in New Mexico.

Provision which authorizes the Southwestern Pennsylvania Heritage Preservation Commission.

Provision which redesignates the Cuyahoga Valley National Recreation Area as a National Park.

Provision which authorizes the Wheeling National Heritage Area in West Virginia.

Earmark of \$500,000 to be available for law enforcement purposes on the Pisgah and Nantahala National Forests.

Earmark of \$990,000 for the purpose of implementing the Valles Caldera Preservation Act, which shall be available to the Secretary for the management of the Valles Caldera National Preserve, New Mexico.

Earmark of \$5,000,000 to be allocated to the Alaska Region, in addition to its normal allocation for the purposes of preparing additional timber for sale, to establish a 3-year timber supply and such funds may be transferred to other appropriations accounts as necessary to maximize accomplishment.

Earmark of \$700,000 shall be provided to the State of Alaska for monitoring activities at Forest Service log transfer facilities, in the form of an advance, direct lump sum payment.

Earmark of \$5,000,000 is appropriated and shall be deposited into the Southeast Alaska Economic Disaster Fund without further appropriation or fiscal year limitation. The Secretary of Agriculture shall distribute these funds to the City of Craig in fiscal year 2001.

Notwithstanding any other provision of law, 80 percent of the funds appropriated to

the Forest Service in the National Forest System' and 'Capital Improvement and Maintenance' accounts and planned to be allocated to activities under the 'Jobs in the Woods' program for projects on National Forest land in the State of Washington may be granted directly to the Washington State Department of Fish and Wildlife for accomplishment of planned projects.

Language stating that funds appropriated to the Forest Service shall be available for payments to counties within the Columbia River Gorge National Scenic Area.

Language stating that the Secretary of Agriculture is authorized to enter into grants, contracts, and cooperative agreements as appropriate with the Pinchot Institute for Conservation, as well as with public and other private agencies, organizations, institutions, and individuals, to provide for the development, administration, maintenance, or restoration of land, facilities, or Forest Service programs, at the Grey Towers National Historic Landmark.

Language stating that funds appropriated to the Forest Service shall be available, as determined by the Secretary, for payments to Del Norte County, California.

Earmark of \$5,000,000 to be designated by the Indian Health Service as a contribution to the Yukon-Kuskokwim Health Corporation (YKHC) to start a priority project for the acquisition of land, planning, design and construction of 79 staff quarters at Bethel, Alaska, subject to a negotiated project agreement between the YKHC and the Indian Health Service.

Provision stating that notwithstanding any other provision of law, for fiscal year 2001 the Secretaries of Agriculture and the Interior are authorized to limit competition for watershed restoration project contracts as part of the 'Jobs in the Woods' component of the President's Forest Plan for the Pacific Northwest or the Jobs in the Woods Program established in Region 10 of the Forest Service to individuals and entities in historically timber-dependent areas in the States of Washington, Oregon, northern California and Alaska that have been affected by reduced timber harvesting on Federal lands.

Provision which continues a provision regulating the export of Western Red Cedar from National Forest System Lands in Alaska.

Provision which continues to limit mining and prospecting on the Mark Twain National Forest in Missouri.

Provision limiting competition for fire and fuel treatment and watershed restoration contracts in California.

Provision that amends the Columbia River Gorge National Scenic Area Act to expedite the acquisition of critical lands within the NSA dealing with land appraisal assumptions utilized by the Forest Service to acquire land within the Columbia River Gorge National Scenic Area.

Provision that adds the "Boise Laboratory Replacement Act of 2000" that permits the sale of the Forest Service Boise, ID, laboratory site, occupied by the Rocky Mountain Research Station, and the use of the proceeds to purchase interests in a multi-agency facility at the University of Idaho.

#### *Conference Report Language*

##### *Bureau of Land Management*

Earmark of \$500,000 for Montana State University weed program.

Earmark of \$750,000 for Idaho weed control.  
Earmark of \$900,000 for Yukon River salmon.

Earmark of \$1,000,000 for Missouri River activities associated with the Lewis and Clark Bicentennial celebration.

Earmark of \$500,000 for the Missouri River undaunted stewardship program.

Earmark of \$700,000 for the development of a mining claim information system in Alaska.

Earmark of \$500,000 for a coalbed methane EIS in Montana.

Earmark of \$650,000 for the Montana cadastral project.

Earmark of \$300,000 for the Utah geographic reference project.

Earmark of \$2,400,000 for Alaska conveyance.

Earmark of \$500,000 to prepare an EIS for future coal bed methane and conventional oil and gas development in the Montana portion of the Power River Basin.

Earmark of \$500,000 for the Undaunted Stewardship program, which will allow for local input and participation in grants to protect historic sites along the Lewis and Clark Trail. This program is to be cooperatively administered by the Bureau and Montana State University.

Language which encourages the Bureau to work with the Waste Management Education and Research Consortium (WERC) at New Mexico State University in addressing the problem of abandoned mine sites in the western United States.

Earmark of \$482,000 for an Alaska rural fire suppression program (Wildland fire management).

Earmark of \$482,000 for a rural Alaska fire suppression program. (Wildland fire suppression).

Earmark of \$8,800,000 is to be made available to the Ecological Restoration Institute (ERI) of Northern Arizona University, through a cooperative agreement with the Bureau of Land Management, to support new and existing ecologically-based forest restoration activities in ponderosa pine forests.

Earmark of \$3,760,000 for construction at the Coldfoot Visitor Center.

Earmark of \$400,000 for construction at the Fort Benton Visitor Center.

Earmark of \$200,000 for construction at the California Train Interpretive Center.

Earmark of \$500,000 for construction at the Blackwell Island Facility.

Language which encourages the Bureau to work with the town of Escalante and Garfield County, UT to ensure that the construction of the science center is consistent with the Escalante Center master plan.

Earmark of \$5,000,000 for land acquisition in El Dorado County, CA.

Earmark of \$2,000,000 for land acquisition at Organ Mountains, New Mexico.

Earmark of \$2,000,000 for land acquisition for Upper Crab Creek, Washington.

##### *Fish and Wildlife Service*

Earmark of \$2,000 for Everglades for resource management.

Earmark of \$1,500,000 for cold water fish in Montana and Idaho.

Earmark of \$270,000 for the California/Nevada desert resource initiative.

Earmark of \$1,000,000 for Central Valley and Southern California habitat conservation planning.

Earmark of \$500,000 for bighorn sheep conservation in Nevada.

Increases in the recovery program include \$5,000,000 for matching grants for Pacific salmon conservation and restoration in Washington.

Earmark of \$288,000 for wolf recovery in Idaho.

Earmark of \$100,000 for wolf monitoring by the Nez Perce tribe.

Earmark of \$600,000 for eider research at the Alaska SeaLife Center.

Earmark of \$600,000 for Lahontan cutthroat trout restoration.

Earmark of \$500,000 for the black capped vireo in Texas.

Increase of \$1,400,000 for Washington salmon enhancement.

Increase of \$4,000 for bull trout recovery in Washington.

Increase of \$500,000 for private lands conservation efforts in Hawaii.

Increase of \$50,000 for rehabilitation of the White River in Indiana in response to a recent fish kill.

Increase of \$252,000 in project planning for the Middle Rio Grande Bosque program.

Increase of \$350,000 for Long Live the Kings and Hood Canal Salmon Enhancement Group.

Increase of \$575,000 to reduce sea bird bycatch in Alaska.

Increase of \$360,000 for staffing and operations associated with the new port of entry designation in Anchorage, Alaska.

Increase of \$5,000,000 for the Washington Hatchery Improvement Project.

Increase of \$184,000 for marking of hatchery salmon in Washington.

Earmark of \$11,051,000 for the Alaska subsistence program.

Earmark of \$750,000 for the Klamath River flow study.

Earmark of \$500,000 for Trinity River restoration.

Earmark of \$200,000 for Yukon River fisheries management studies.

Earmark of \$100,000 for Yukon River Salmon Treaty education efforts.

Increase of \$2,000,000 for Pingree Forest non-development easements in Maine to be handled through the National Fish and Wildlife Foundation.

The increase provided in consultation for cold water fish in Montana and Idaho are for preparation and implementation of plans, programs, or agreements identified by the States of Idaho and Montana that will address habitat for freshwater aquatic species on non-Federal lands.

Earmark of \$800,000 in new joint ventures funding for the Atlantic Coast.

Earmark of \$750,000 in new joint ventures funding for Lower Mississippi.

Earmark of \$650,000 in new joint ventures funding for Upper Mississippi.

Earmark of \$1,400,000 in new joint ventures funding for Prairie Pothole.

Earmark of \$700,000 in new joint ventures funding for Gulf Coast.

Earmark of \$700,000 in new joint ventures funding for Playa Lakes.

Earmark of \$400,000 in new joint ventures funding for Rainwater Basin.

Earmark of \$1,000,000 in new joint ventures funding for Intermountain West.

Earmark of \$550,000 in new joint ventures funding for Central Valley.

Earmark of \$700,000 in new joint ventures funding for Pacific Coast.

Earmark of \$370,000 in new joint ventures funding for San Francisco Bay.

Earmark of \$400,000 in new joint ventures funding for Sonoran.

Earmark of \$370,000 in new joint ventures funding for Arctic Goose.

Earmark of \$370,000 in new joint ventures funding for Black Duck.

Earmark of \$550,000 in new joint ventures funding for Sea Duck.

Earmark of \$593,000 for Alaska Maritime NWR, AK (Headquarters/Visitor Center).

Earmark of \$500,000 for Bear River NWR, UT (Water management facilities).

Earmark of \$3,600,000 for Bear River NWR, UT (Education Center).

Earmark of \$350,000 for Canaan Valley NWR, WV (Heavy equipment replacement).

Earmark of \$500,000 for Clarks River NWR, KY (Garage and visitor access).

Earmark of \$250,000 for Great Dismal Swamp NWR, VA (Planning and public use).

Earmark of \$800,000 for John Heinz NWR, PA (Administrative wing).

Earmark of \$700,000 for Kealia Pond NWR, HI (Water control structures).

Earmark of \$180,000 for Kodiak NWR, AK (Visitor Center/planning).

Earmark of \$130,000 for Mason Neck NWR, VA (ADA accessibility).

Earmark of \$600,000 for Mason Neck NWR, VA (Non-motorized trail).

Additional \$5,000,000 for National Conservation Training Center, WV (Fourth Dormitory).

Earmark of \$2,000,000 for Noxubee NWR, MS (Visitor Center).

Earmark of \$300,000 for Pittsford NFH, VT (Planning and design/hatchery rehabilitation).

Earmark of \$115,000 for Seatuck & Sayville NWRs, NY (Visitor facilities).

Earmark of \$1,512,000 for Silvio O. Conte NWR, VT (Education Center).

Earmark of \$1,100,000 for White River NWR, AR (Visitor Center construction).

Earmark of \$350,000 for White Sulphur Springs NFH, WV (Holding and propagation).

Earmark of \$200,000 for White Sulphur Springs NFH, WV (Office renovations).

Earmark of \$500,000 for land acquisition at Back Bay NWR (VA).

Earmark of \$1,000,000 for land acquisition for Big Muddy NWR (MO).

Earmark of \$1,000,000 for land acquisition for Bon Secour NWR (AL).

Earmark of \$1,750,000 for land acquisition for Centennial Valley NWR (MT).

Earmark of \$500,000 for land acquisition for Clarks River NWR (KY).

Earmark of \$2,100,000 for land acquisition for Dakota Tallgrass Prairie Project (SD).

Earmark of \$1,000,000 for land acquisition for Edwin B. Forsythe NWR (NJ).

Earmark of \$1,150,000 for land acquisition for Grand Bay NWR (AL).

Earmark of \$1,500,000 for land acquisition for Lake Umbagog NWR (NH).

Earmark of \$500,000 for land acquisition for Minnesota Valley NWR (MN).

Earmark of \$600,000 for land acquisition for Neal Smith NWR (IA).

Earmark of \$1,000,000 for land acquisition for Northern Tallgrass NWR (MN).

Earmark of \$800,000 for land acquisition for Patoka River NWR (IN).

Earmark of \$1,300,000 for land acquisition for Prime Hook NWR (DE).

Earmark of \$750,000 for land acquisition for Silvio O. Conte NWR (CT/MA/NH/VT).

Earmark of \$1,500,000 for land acquisition for Stewart B. McKinney NWR (CT).

Earmark of \$1,000,000 for land acquisition for Waccamaw NWR (SC).

Earmark of \$1,000,000 for land acquisition for Walkill River (NJ).

#### *National Park Service*

Earmark of \$975,000 for the 9 National Trails.

Increase of \$2,300,000 for Harpers Ferry Design Center.

Earmark of \$350,000 to repair the lighthouse at Fire Island NS.

Earmark of \$75,000 to repair the Ocean Beach Pavilion at Fire Island, NS.

Earmark of \$309,000 for repairs of the Bachlott House.

Earmark of \$100,000 for the Alberty House which are both located at Cumberland Island NS.

Earmark of \$500,000 for maintenance projects at the Ozark National Scenic Riverways Park.

Earmark of \$200,000 for a wilderness study at Apostle Islands NL, WI.

Language that directs the National Park Service make sufficient funds available to assure that signs marking the Lewis and Clark route in the State of North Dakota are adequate to meet National Park Service standards.

Language that directs that, within the amounts provided for operation of the Na-

tional Park System, the Service shall provide the necessary funds, not to exceed \$350,000, for the Federal share of the cooperative effort to provide emergency medical services in the Hawaii Volcanoes National Park.

Language stating that consideration should be given to groups involved in hiking and biking trails in southeastern Michigan and the Service is encouraged to work cooperatively with groups in this area.

Increase of \$100,000 for Gettysburg NMP technical assistance.

Increase of \$250,000 for the National Center for Preservation Technology.

Language that directs that implementation funds for the Hudson River Valley National Heritage Area are contingent upon National Park Service approval of the management and interpretive plans that are currently being developed.

Earmark of \$742,000 for Alaska Native Cultural Center.

Earmark of \$100,000 for Aleutian World War II National Historic Area.

Earmark of \$2,300,000 for Chesapeake Bay Gateways.

Earmark of \$300,000 for Dayton Aviation Heritage Commission.

Earmark of \$2,250,000 for Four Corners Interpretive Center.

Earmark of \$500,000 for Lamprey River.

Earmark of \$500,000 for Mandan On-a-Slant Village.

Earmark of \$500,000 for National First Ladies Library.

Additional \$40,000 for Roosevelt Campobello International Park Commission.

Earmark of \$500,000 for Route 66 National Historic Highway.

Earmark of \$495,000 for Sewall-Belmont House.

Earmark of \$400,000 for Vancouver National Historic Reserve.

Earmark of \$594,000 for Wheeling National Heritage Area.

Earmark of \$100,000 for Women's Progress Commission.

An additional \$7,276,000 for various locale-specific Historic Preservation projects.

Earmark of \$500,000 for Antietam NB, MD (stabilize/restore battlefield structures).

Earmark of \$1,360,000 for Apostle Islands NL, WI (erosion control).

Additional \$600,000 for Apostle Islands NL, WI (rehab Outer Island lighthouse).

Earmark of \$300,000 for Canaveral NS, FL (Seminole Rest).

Earmark of \$300,000 for Canaveral NS, FL.

Earmark of \$4,000,000 for Corinth NB, MS (construct visitor center).

Earmark of \$779,000 for Cumberland Island NS, GA (St. Mary's visitor center).

Additional \$1,000,000 for Cuyahoga NRA, OH (stabilize riverbank).

Earmark of \$1,300,000 for Dayton Aviation NHP, OH (east exhibits).

Earmark of \$114,000 for Delaware Water Gap NRA, PA/NJ (Depew site).

Earmark of \$350,000 for Down East Heritage Center, ME.

Earmark of \$500,000 for Dry Tortugas NP, FL (stabilize and restore fort).

Earmark of \$129,000 for Edison NHS, NJ (preserve historic buildings and museum collections).

Earmark of \$1,175,000 for Edison NHS, NJ.

Earmark of \$1,500,000 for Ft. Stanwix NM, NY (completes rehabilitation).

Earmark of \$386,000 for Ft. Washington Park, MD (repair masonry wall).

Earmark of \$300,000 for Gateway NRA, NY/NJ (preservation of artifacts at Sandy Hook unit).

Earmark of \$100,000 for George Washington Memorial Parkway, MD/VA (Belle Haven).

Earmark of \$300,000 for George Washington Memorial Parkway, MD/VA (Mt. Vernon trail).

Earmark of \$511,000 for Grand Portage NM, MN (heritage center).

Earmark of \$1,500,000 for Hispanic Cultural Center, NM (construct cultural center).

Earmark of \$3,000,000 for Hot Springs NP, AR (rehabilitation).

Earmark of \$2,500,000 for John H. Chafee Blackstone River Valley NHC, RI/MA.

Earmark of \$795,000 Kenai Fjords NP, AK (completes interagency visitor center design).

Earmark of \$10,000,000 for Lincoln Library, IL.

Earmark of \$290,000 for Lincoln Home NHS, IL (restore historic structures).

Earmark of \$487,000 for Longfellow NHS, MA (carriage barn).

Additional \$945,000 for Manzanar NHS, CA (establish interpretive center and headquarters).

Earmark of \$2,543,000 for Missouri Recreation River Research & Education Center, NE (Ponca State Park).

Earmark of \$500,000 for Morristown NHP, NJ.

Earmark of \$500,000 for Morris Thompson Visitor and Cultural Center, AK (planning).

Earmark of \$150,000 for Mt. Rainier NP, WA (exhibit planning and film).

Additional \$7,500,000 for National Constitution Center, PA (Federal contribution).

Earmark of \$6,000,000 for National Underground RR Freedom Center, OH.

Earmark of \$338,000 for New Jersey Coastal Heritage Trail, NJ (exhibits, signage).

Earmark of \$800,000 for New River Gorge NR, WV (repair retaining wall, visitor facilities, technical support).

Earmark of \$445,000 for New River Gorge NR, WV (repair retaining wall, visitor facilities, technical support).

Earmark of \$10,000,000 for Palace of the Governors, NM (build museum).

Earmark of \$203,000 for Palo Alto Battlefield NHS, TX (completes visitor center).

Earmark of \$1,614,000 for Palo Alto Battlefield NHS, TX (completes visitor center).

Earmark of \$1,000,000 for Shiloh NMP, TN (erosion control).

Earmark of \$3,000,000 for Southwest Pennsylvania Heritage, PA (rehabilitation).

Earmark of \$240,000 for St. Croix NSR, WI (planning for VC/headquarters; rehabilitate river launch site).

Earmark of \$330,000 for St. Croix NSR, WI (planning for VC/headquarters; rehabilitate river launch site).

Earmark of \$445,000 for St. Gaudens NHS, NH (collections building, fire suppression).

Earmark of \$200,000 for St. Gaudens NHS, NH (collections building, fire suppression).

Earmark of \$340,000 for Statue of Liberty and Ellis Island, NY/NJ (ferry terminal utilities).

Earmark of \$2,000,000 for Statue of Liberty and Ellis Island, NY/NJ (ferry terminal utilities).

Earmark of \$500,000 for Tuskegee Airmen NHS, AL (stabilization planning).

Earmark of \$365,000 for U.S. Grant Boyhood Home, OH (rehabilitation).

Earmark of \$2,000,000 for Vancouver NHR, WA (exhibits, rehabilitation).

Earmark of \$739,000 for Vicksburg NMP, MS (various).

Earmark of \$550,000 for Vicksburg NMP, MS (various).

Earmark of \$788,000 for Washita Battlefield NHS, OK (visitor center planning).

Earmark of \$4,000,000 for Wheeling Heritage Area, WV.

Earmark of \$38,000 for Wilson's Creek NB, MO (complete library).

Earmark of \$200,000 for Wright Brothers NM, NC (planning for visitor center restoration).

Earmark of \$1,500,000 to complete the Federal investment at Fort Stanwix NM in New York.

Language expecting the Service to provide the necessary funds, within the amounts provided for Equipment Replacement, to replace the landing craft at Cumberland Island NS and replace the airplane at Glen Canyon National Recreation Area.

Earmark of \$300,000 to initiate a Lincoln Highway Study to initiate a study to define the cultural significance and value to the Nation of the Congaree Creek site in Lexington County, SC, as part of the Congaree National Swamp Monument, and a study for a national heritage area in the Upper Housatonic Valley in Northwest Connecticut.

*Land Acquisition and Conservation Fund:*

Earmark of \$200,000 for Apostle Islands NL (WI).

Earmark of \$1,200,000 for Appalachian NST (Ovoka Farm) (VA).

Earmark of \$1,000,000 for Brandywine Battleground (PA).

Earmark of \$1,200,000 for Chickamauga/Chattanooga NMP (TN).

Earmark of \$1,000,000 for Delaware Water Gap NRA (PA).

Earmark of \$3,250,000 for Ebey's Landing NHR (WA).

Earmark of \$2,000,000 for Gulf Islands NS (Cat Island) (MS).

Earmark of \$2,000,000 for Ice Age NST (Wilke Tract) (WI).

Earmark of \$2,000,000 for Indiana Dunes NL (IN).

Earmark of \$1,300,000 for Mississippi National River RA (Lower Phalen Creek) (MN).

Earmark of \$2,700,000 for Petroglyph NM (NM).

Earmark of \$2,200,000 for Saguaro NP (AZ).

Earmark of \$1,000,000 for Shenandoah NHA (VA).

Earmark of \$1,300,000 for Sitka NHP (Sheldon Jackson College) (AK).

Earmark of \$1,100,000 for Sleeping Bear Dunes NL (MI).

Earmark of \$1,500,000 for Stones River NB (TN).

Earmark of \$1,500,000 for Wrangell-St. Elias NP & Pres. (AK).

Earmark of \$2,000,000 for the purchase of Cat Island, MS (subject to authorization).

Earmark of \$1,000,000 included for the Shenandoah Valley Battlefields National Historic District is contingent upon the final approval by the Secretary of the Interior of the Commission.

Earmark of \$1,500,000 for the intended purchase of patented mining claims in Wrangell-St. Elias National Park by the National Park Service.

Earmark of \$250,000 for the Hawaiian volcano program.

Earmark of \$475,000 for Yukon Flats geology surveys.

Earmark of \$1,200,000 for the Nevada gold study.

Earmark of \$300,000 for Lake Mead/Mojave research.

Earmark of \$300,000 for the Lake Champlain toxic study.

Earmark of \$450,000 for Hawaiian water monitoring.

Earmark of \$300,000 for the Southern Maryland aquifer study.

Earmark of \$180,000 for a Yukon River chum salmon study.

Earmark of \$750,000 for the continuation of the Mark Twain National Forest mining study to be accomplished in cooperation with the water resources division and the Forest Service.

Earmark of \$4,000,000 to create NBII 'nodes' to work in conjunction with private and public partners to provide increased access to and organization of information to address these and other challenges. These funds are to be distributed as follows: \$350,000 for Pacific Basin, Hawaii; \$1,000,000 for Southwest,

Texas; \$1,000,000 for Southern Appalachian, Tennessee; \$200,000 for Pacific Northwest, Washington; \$250,000 for Central Region, Ohio; \$200,000 for North American Avian Conservation, Maryland; \$250,000 for Network Standards and Technology, Colorado; \$400,000 for Fisheries Node, Virginia and Pennsylvania; \$200,000 for California/Southwest Ecosystems Node, California; and, \$150,000 for Greater Yellowstone Ecosystem Node, Montana.

Language stating that funding is provided for light distancing and ranging (LIDAR) technology to assist with recovery of Chinook Salmon and Summer Chum Salmon under the Endangered Species Act. These funds should be used in Mason County, WA

*Bureau of Indian Affairs*

Earmark of \$500,000 for Alaska subsistence.

Earmark of \$176,000 for the Reindeer Herders Association.

Earmark of \$1,000,000 for a distance learning, telemedicine, fiber optic pilot program in Montana.

Earmark of \$146,000 for Alaska legal services.

Earmark of \$200,000 for forest inventory for the Uintah and Ouray tribes.

Earmark of \$300,000 for a tribal guiding program in Alaska.

Earmark of \$1,000,000 for the distance learning project on the Crow, Fort Peck, and Northern Cheyenne reservations.

Increase of \$1,250,000 for Aleutian Pribilof church repairs, which completes this program as authorized.

Increase of \$50,000 for Walker River (Weber Dam).

Increase of \$200,000 for Pyramid Lake.

Increase of \$2,000,000 for the Great Lakes Fishing Settlement.

TITLE II—RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

*Forest Service*

Earmark of \$250,000 to the University of Washington silviculture effort at the Olympic Natural Resource Center. The managers have also agreed with Senate direction concerning funding levels for the wood utilization laboratory in Sitka, AK, and for operations of the Forest Research Laboratories located in Princeton, Parsons, and Morgantown, WV, and funds for the CROP study on the Colville National Forest, WA.

Language which directs the Forest Service to provide total operational funding of \$750,000 to the Rapid City, SD, lab.

Language which directs the Forest Service to provide \$502,000 in appropriated funds for the Wind River canopy crane, WA. This funding includes proposed funding for the New York City watershed and the Senate proposed funding for Utah technical education and State of Washington stewardship activities.

An additional \$750,000 for an update of the cooperative study on the New York-New Jersey highlands area.

Language directing \$1,400,000 to the Ossipee Mountain conservation, easement NH, and also to direct no less than \$2,000,000 to the Great Mountain, CT, easement, and no less than \$2,000,000 for the West Branch, ME, project.

Language stating the importance of forest protection in South Carolina and encourage the Forest Service to work with the appropriate State agencies to ensure continuation of these much needed protections.

Increase of \$450,000 for the Chicago Wilderness Study.

Earmark of \$500,000 for cooperative activities in Forest Park in St. Louis, MO.

Earmark of \$250,000 in a direct lump sum payment for the United Fisherman of Alaska to implement an educational program to

deal with subsistence management and other fisheries issues.

Earmark of \$5,000,000 to assist a land transfer for Kake, AK; these funds are contingent upon an authorization bill being enacted.

Earmark of \$2,000,000 to cost-share kiln-drying facilities in southeast and south-central Alaska.

Language stating that the funds provided for reforestation on abandoned mine lands in Kentucky are to be matched with funds provided in this bill to the Department of Energy for carbon sequestration research, as well as other non-federal funds.

Earmark of \$900,000 for the University of Washington and Washington State University extension forestry effort.

Earmark of \$1,878,000 for Columbia River Gorge economic development in the States of Washington and Oregon.

Earmark of \$300,000 for the CROP project on the Colville NF, WA.

Earmark of \$1,000,000 for acid mine clean-up on the Wayne NF, OH.

Earmark of \$360,000 for the Rubio Canyon waterline analysis on the Angeles NF, CA.

Increase of \$1,500,000 increase for aquatic restoration in Washington and Oregon.

Increase of \$1,250,000 increase for Lake Tahoe watershed protection.

Increase of \$300,000 for invasive weed programs on the Okanogan NF and other eastern Washington national forests with no more than five percent of these funds to be assessed as indirect costs.

Earmark of \$200,000 for the Batten Kill River, VT, project.

Earmark of \$700,000 for operations of the Continental Divide trail.

Earmark of \$100,000 for the Monongahela Institute effort at Seneca Rocks, WV.

Earmark of \$120,000 for the Monongahela NF, Cheat Mountain assessment, WV.

Earmark of \$100,000 for cooperative recreational site planning on the Wayne NF, OH.

Earmark of \$100,000 for cooperative efforts regarding radios for use at Tuckerman's Ravine on the White Mountain NF, NH.

Earmark of \$68,000 for the Talimena scenic byway.

Language which directs the Forest Service to conduct a feasibility study on constructing a recreational lake on the Bienville NF in SMITH County, MS.

Earmark of \$790,000 for forestry treatments on the Apache-Sitgreaves NF, AZ.

Earmark of \$250,000 for a Pacific Crest trail lands team.

Earmark of \$500,000 for special needs on the Pisgah and Nantahala NFs.

Additional \$2,000,000 for the Quincy Library Group project, CA.

Additional \$5,000,000 for Tongass NF, AK, timber pipeline.

Earmark of \$500,000 in the minerals and geology management activity to support necessary administrative duties related to the Kensington Mine in southeast Alaska.

Earmark of \$600,000 is provided for cooperative research and technology development between Federal fire research and fire management agencies and the University of Montana National Center for Landscape Fire Analysis.

Earmark \$263,000 for Apache-Sitgreaves NF, AZ, urban interface.

Earmark of \$6,947,000 for windstorm damage in Minnesota.

Earmark of \$1,500,000 for the Lake Tahoe basin.

Earmark of \$2,400,000 for work on the Giant Sequoia National Monument and Sequoia National Forests.

Earmark of \$7,500,000 is a direct lump sum payment to the Kenai Peninsula Borough to complete the activities outlined in the spruce bark beetle task force action plan.



Ten percent of these funds shall be made available to the Cook Inlet Tribal Council for reforestation on Native inholdings and Federal lands identified by the task force.

Language emphasizing the need for a cost-share for the Grey Towers, PA, funding.

Language encouraging the Forest Service to work with Tulare County, CA, on plans for recreational facilities.

Earmark of \$2,000,000 for the Forest Service to develop a campground in the Middle Fork Snoqualmie Valley in the Mt. Baker-Snoqualmie National Forest, WA.

Earmark of \$2,000,000 to purchase non-development scenic easements in Pingree Forest, ME.

Earmark for Lake Tahoe, NV of \$2,000,000 for cooperative erosion grants in State and private forestry, \$1,250,000 for the NFS vegetation and watershed activity to enhance restoration of sensitive watersheds, \$1,500,000 in capital improvement and maintenance to help fix the ailing road system, and \$1,500,000 in wildfire management funding to enhance forest health by reducing hazardous fuel.

Earmark of \$5,500,000 for management of national forest system lands for subsistence uses in Alaska as proposed by the Senate.

—The Forest Service is encouraged to give priority to projects for the Alaska jobs-in-the-woods program that enhance the southeast Alaska economy, such as the Southeast Alaska Intertie.

Increase of \$2,000,000 is provided for a demonstration of solid oxide technology in Nuiqsut, Alaska.

Earmark of \$278,000 for the Golden, CO, field office.

#### *Indian Health Service*

Earmark of \$225,000 for the Shoalwater Bay infant mortality prevention program.

Increases for the Alaska immunization program include \$70,000 for pay costs and \$2,000 for additional immunizations.

Within the funding provided for contract health services, the Indian Health Service should allocate an increase to the Ketchikan Indian Corporation's (KIC) recurring budget for hospital-related services for patients of KIC and the Organized Village of Saxman (OVS) to help implement the agreement reached by the Indian Health Service, KIC, OVS and the Southeast Alaska Regional Health Corporation on September 12, 2000. The additional funding will enable KIC to purchase additional related services at the local Ketchikan General Hospital.

Earmark of \$1,000,000 for the Northwest Portland area AMEX program.

Earmark of \$4,500,000 is provided for construction of the Smithsonian Astrophysical Observatory's facility at Hilo, Hawaii.

#### TITLE V—EMERGENCY/SUPPLEMENTAL PROVISIONS

##### *Department of Interior*

\$1,500,000 for the preparation and implementation of plans, programs, or agreements identified by the State of Idaho that will address habitat for freshwater aquatic species on non-Federal lands in the State.

\$1,000,000 to be made available to the State of Idaho to fund habitat enhancement, maintenance, or restoration projects consistent with such plans, programs, or agreements.

\$5,000,000 for the conservation and restoration of Atlantic salmon in the Gulf of Maine, with funds provided to the National Fish and Wildlife Foundation, the Atlantic Salmon Commission and the National Academy of Sciences for specified activities.

\$8,500,000 to various specific locales to repair or replace buildings, equipment, roads, bridges, and water control structures damaged by natural disasters; funds are to be used for repairs to Service property in the states of Maryland, New Jersey, North Caro-

lina, Pennsylvania, South Carolina, Virginia, and Washington.

\$1,200,000 for repair of the portions of the Yakima Nation's Signal Peak Road.

An additional \$1,800,000 for repairs in Alaska, Colorado, Connecticut, Florida, Georgia, Kansas, Maryland-Delaware-Washington, D.C., Massachusetts-Rhode Island, Nevada, New Hampshire-Vermont, New Jersey, New York, North Carolina, North Dakota, Pennsylvania, South Carolina, South Dakota, and Virginia.

##### *Department of Agriculture*

\$2,000,000 for an avalanche prevention program in the Chugach National Forest, Kenai National Park, Kenai National Wildlife Refuge and nearby public lands.

\$7,249,000 to the National forest system for damage caused by severe windstorms in the States of Minnesota and Wisconsin.

Total earmarks in report ..	\$372,064,000
Total supplemental/emergency earmarks .....	28,249,000
Total combined earmarks	400,313,000

Mr. MCCAIN. Mr. President, first, I congratulate Mr. FITZGERALD, the Senator from Illinois, for his valiant effort to prevent a contract to be let without any competition. I do not understand why contracts that entail expenditure of taxpayers' funds should not be let in a competitive fashion so that the taxpayers can receive the maximum value for their investments in their Government. I congratulate Senator FITZGERALD for his valiant effort.

This year's final agreement provides a much-needed infusion of funding for conservation, wildlife management, and Native American programs. However, once again, I express my objections to the amount of excessive pork barrel spending and extraneous legislative riders included in this final agreement.

The agreement exceeds its overall budget by \$2.5 billion, increasing spending by 25 percent, with funding levels that are close to \$4 billion higher than the House bill and \$3 billion more than the Senate bill.

We are entering a remarkable phase of American political history. The spigot is on, and it is on in a fashion I have not seen in the years I have spent in the Congress.

The new conference agreement has taken pork barrel spending to higher proportions by adding more than \$120 million more in earmarks that either were not included in the Senate or House bill or added funding for unrequested or unauthorized projects. In addition to higher amounts of pork barrel spending, appropriators conveniently designated billions more in emergency spending, including nearly \$30 million in "emergency funds" for locale-specific earmarks.

As I said, I have a list that was printed in the RECORD. Several of our favorites: \$1.25 million for weed programs at Montana State University and Idaho—weed programs that are specific to two universities; \$5.25 million for a new dormitory at the National Constitution Training Center; \$20,000 for office renovations at the White Sulfur Springs National Fish Hatchery. Guess where. West Virginia. We have several fish

hatcheries in my State of Arizona. I wonder if maybe we could get a little refurbishment for our offices, as well as those in West Virginia.

There is \$487,000 for a carriage barn in Longfellow National Historic Site in Massachusetts—a carriage barn.

Here is one of my favorites. I think we should all be impressed by the pressing need for this: \$176,000 for the Reindeer Herders Association. For the Reindeer Herders Association, \$176,000 is earmarked.

That also happens to be out of the Bureau of Indian Affairs funding. Never mind that we have dilapidated housing, terrible schools, nutrition programs that need to be funded in the Bureau of Indian Affairs, my friends, but we put in \$176,000 for that vitally needed Reindeer Herders Association. I am sure Santa Claus is very pleased that these funds will be going to the Reindeer Herders Association.

You will find something very interesting, Mr. President, as I go through the list of earmarks and as people read the RECORD. You will see the names Alaska, West Virginia, Washington State, and Hawaii appear with amazing frequency, which I am sure is pure coincidence.

So we have \$1 million for a distance learning telemedicine, fiber-optic pilot program in Montana.

Here is an important one. Here is a vital item that had to be earmarked: \$1.5 million to refurbish the Vulcan Statue in Alabama. I am not familiar with the Vulcan Statue, but I am sure it needed to be refurbished over any other statue in America that may need to be refurbished.

Here is one that should interest taxpayers and entertain all of us: \$400,000 for the Southside Sportsman Club in New York. Take heart, all Southside sportsmen, help is on the way: \$400,000 for your operations.

There is \$5 million for the Southeast—guess where—Alaska Economic Disaster Fund, which was not included in either the Senate or House proposals, ordered to be used for Craig, AK, to assist with economic development. Times are tough in Craig, my friends. They need \$5 million in Craig.

I urge those who are interested to find out what the population of Craig, AK, might be. I think that might turn out to be a fair amount of money per capita.

There is \$500,000 for administrative duties at the Kensington Mine in southeast Alaska—ta-da, Mr. President—for administrative duties at the Kensington Mine in southeast Alaska.

We have lots of mines in my State. I hope they will consider helping them with their administrative duties in their mines, as well.

Mr. President, the list goes on and on and on.

So \$2 million for the purchase of Cat Island in Mississippi; \$5 million for a land transfer in Kake, AK; \$4.6 million for the Wheeling National Heritage Area in West Virginia, which has received earmarks in previous Interior

appropriations without any authorization. I should point out that new legislative language was tacked on to this report to finally authorize this project, although it certainly never went through the normal process of approval.

I hope the taxpayers will be able to see how we are spending their dollars. It is remarkable.

I believe in the debate one of the candidates was saying: You ain't seen nothing yet. Mr. President, you ain't seen nothing yet. Wait until we get to the omnibus bill which very few of us will have ever seen or read when we vote yes or no on it. We will have a remarkable document, one I think historians in the centuries ahead will view with interest and puzzlement.

Mr. President, I yield the remainder of my time.

#### ATLANTIC SALMON CONSERVATION AND RESTORATION

Ms. COLLINS. I want to thank the distinguished Chairman of the Interior Appropriations Subcommittee for his invaluable help in securing funding for vital, time-sensitive, on-the-ground Atlantic salmon conservation and restoration programs in Maine on an emergency basis. Due to your efforts, \$5.0 million in emergency appropriations were included in the Interior Appropriations conference report for this purpose. It is critical that these funds be on the ground this year in order to demonstrate a federal financial commitment to salmon in my State, and that a listing under the Endangered Species Act is not necessary to conserve and restore Maine's Atlantic salmon.

Mr. GORTON. My home state, too, has experienced the disruption that a federal endangered species listing can cause. I therefore appreciate the importance and urgency of the funds sought by the Senator from Maine.

Ms. COLLINS. The emergency appropriation included in the Interior Appropriations conference report will make a substantial contribution to salmon conservation and restoration efforts in the State. The funds will be made available to the National Fish and Wildlife Foundation (or "NFWF"), which has made a commitment to me to allocate the monies to worthwhile projects as soon as possible. The conference report provides \$5.0 million to NFWF, of which \$2.0 million will be made available to the Atlantic Salmon Commission and \$500,000 will be made available to the National Academy of Sciences. The remaining \$2.5 million will be administered by NFWF to carry out a grant program that will fund on-the-ground projects to further Atlantic salmon conservation or restoration efforts in coordination with the State of Maine and the Maine Atlantic Salmon Conservation Plan.

The conference report contains language indicating that funds administered by NFWF will be subject to cost sharing. Is it your understanding, Mr. Chairman, that this language means

the \$2.5 million administered by NFWF to carry out a grant program must be matched, in the aggregate, by at least \$2.5 million in non-federal funds?

Mr. GORTON. The Senator from Maine is correct. I expect that the \$2.5 million grant program administered by NFWF will leverage at least \$2.5 million overall in additional, nonfederal funds.

Ms. COLLINS. And is it also your understanding, Mr. Chairman, that the \$2.0 million made available to the Atlantic Salmon Commission and the \$500,000 made available to the National Academy of Sciences will not be subject to any matching requirement?

Mr. GORTON. That is also correct.

Ms. COLLINS. I want to again thank the distinguished Chairman of the Interior Appropriations Subcommittee. In crafting this conference report, he has accomplished a Herculean task with this usual grace and skill. And the \$5.0 million he has helped secure will promote a vigorous and effective salmon conservation and restoration effort in my State.

Mr. GORTON. As I have said before, I greatly admire the Senator from Maine's tenacity and her unfailing devotion to the best interests of her State.

#### LAKE TAHOE LAND ACQUISITION COLLOQUY

Mr. REID. Mr. Chairman, I would like to request your help interpreting the language that was inserted into the conference report pertaining to the use of funds appropriated for the acquisition of environmentally sensitive property at Lake Tahoe. That language states that no funds may be used to acquire urban lots. To my knowledge, "urban lots" is a term that is not defined in this bill or any related statute or regulation. As a result, I want to make sure that we clarify what we intend by the term urban lot.

As you know, the plan to protect Lake Tahoe is predicated in large part of the Lake Tahoe Preservation Act of 1981 (H.R. 7306), commonly known as the Santini-Burton Act, and companion California and Nevada bond acts. Together, these State and Federal acts provide for the purchase and stewardship of environmentally sensitive lands in the Lake Tahoe Basin. The legislative history of the Santini-Burton Act indicated that approximately \$150 million worth of land in Lake Tahoe would be purchased (approximately \$100 million has been expended to date). The Santini-Burton Act generally identified lands eligible for purchase, and was followed by the adoption of a comprehensive plan identifying specific criteria for purchases. That plan was subject to an Environmental Impact Statement and accompanying public comment process, and this plan remains in effect to this day.

I am confident that, with the correct information in hand, Congress will direct the Forest Service to go forward with the completion of the program. In the meantime, however, the effort to protect Lake Tahoe is likely to sustain

significant damage if the language in the conference report is mistakenly interpreted to reverse long standing policy decisions. That is why I am asking for your concurrence to direct the Forest Service to interpret the language in a manner consistent with the existing program.

Specifically, I want to make it clear that the term "urban lot" does not include environmentally sensitive lands. The current program designates a property's eligibility for acquisition according to its environmental sensitivity because that is the purpose of the acquisition program. Such designations reflect extensive analysis and the support of the local community. This report language should not be interpreted to change this methodology such that acquisition eligibility is based on an unspecified and invariably random geographic distinction. In all likelihood, any ill-conceived geographic standard would exclude the most environmentally sensitive property that the ongoing program is designed to protect.

I believe that the report language is consistent with the current practice of federal land acquisition in the Lake Tahoe basin. Do you share my understanding that the definition of "urban lots" includes only those properties that are presently qualified for urban development?

Mr. GORTON. That is my understanding.

Mr. REID. Then it makes sense for any prohibition on land acquisition referred to in the report language to apply only if to properties that satisfy all of the following criteria: (1) they are not adjacent to current forest system lands, (2) they are within Tahoe Regional Planning Agency's urban boundaries, (3) they are not adjacent to Lake Tahoe, or to waters or streamzones tributary to Lake Tahoe, and (4) they are presently eligible to take residential or commercial development. This clarification integrates the intent of the new conference report language to limit such acquisitions to essential sensitive lands while retaining the basic purpose of the Lake Tahoe land acquisition program.

Mr. GORTON. In response to my colleague, the senior Senator from Nevada, let me say that your understanding of the issues affecting Lake Tahoe is correct. Your concerns seem reasonable, as does your interpretation of the language in question.

Mr. REID. I appreciate the Chairman's understanding and concurrence on this very important issue.

#### REGARDING SEC. 156 AND ACCOMPANYING REPORT LANGUAGE

Mr. REID. Mr. President, as the Chairman knows, I included language in this bill that directs the Department of Interior to finalize the so-called 3809 regulations, which govern hardrock mining operations on public lands, and to do so consistently with the findings and recommendations of a study completed by the National Research Council or NRC. The language is identical to

language enacted in last year's omnibus bill. I want to emphasize my intent in offering this language, and request the Chairman's understanding and concurrence. Briefly, my intent is to ensure that the Department of Interior finalizes a rule that protects the environment and that takes into account the direction of Congress and the findings and recommendations of the NRC report.

Mr. GORTON. I am glad to assist my friend, the senior Senator from Nevada. In clarifying Congress' intent in enacting these provisions, I agree with his statement that the Committee intends for Interior to study the entire NRC report carefully and to adopt a rule that is consistent with the findings and recommendations of that report.

Mr. REID. Mr. President, last year Congress adopted this requirement that Interior finalize 3809 rule changes only if they are "not inconsistent" with the recommendations of the NRC report I already described. Parsing this statutory language to the point of absurdity, the Interior Solicitor quickly wrote and circulated a legal opinion concluding that Congress intended by this action to require Interior's consideration only of material in the report specifically labeled as "recommendations"—amounting only to a few lines of the report—and no other information in the report. And, he went on to conclude that this law imposes no significant limitations on the agency's ability to finalize its proposed 3809 rule. This year we have adopted the consistency requirement again, just as it was written last year. I ask the Chairman, did we enact the language again just to ratify the legal conclusion that Interior could finalize 3809 rules essentially without restrictions?

Mr. GORTON. I thank my friend, and emphasize that we did not act again this year just to ratify the actions of the Department of Interior. The Committee to reemphasize its original intent: That Interior study the NRC report carefully, and that any final 3809 regulations promulgated be consistent with that report.

Mr. REID. One last question that I have concerns a statement made by some of our House colleagues during House consideration of the FY 2001 Interior appropriations bill in which they suggested an interpretation of the ongoing rulemaking including broad discretion to deny mining permits, by redefining the existing statutory definition of unnecessary or undue degradation. Does the Chairman of the subcommittee who helped develop this language agree that our House colleagues are suggesting an interpretation that clearly goes beyond current law and that section 156 specifically states that nothing in this provision shall be construed to expand existing authority.

Mr. GORTON. The Senator is correct. Section 156 states, "nothing in this section shall be construed to expand the existing statutory authority of the

Secretary." The interpretation suggested by our House colleagues would require additional statutory authority which Interior does not have and is specifically denied by this bill.

Mr. REID. I thank the Chairman for his help in clarifying the Committee's intent.

#### U.S. FOREST SERVICE NATIONAL FIRE RETARDANTS

Mr. CRAIG. Mr. President, I would like to engage in a colloquy with the distinguished Chairman of the Interior and Related Agencies Appropriations Subcommittee on an issue that affects the Forest Service and forest fire fighting in the West.

Mr. GORTON. I would be glad to engage in such a discussion with my friend, the distinguished Chairman of Forest and Public Lands Subcommittee of the Energy and Natural Resources Committee.

Mr. CRAIG. Mr. President, the U.S. Forest Service has announced its intention to move to gum thickened/sodium ferrocyanide aerially applied fire retardants in the 2004 bid process. The Service is to be commended for this initiative that seeks a more effective and environmentally friendly means to address the wildfires with which we have become so painfully accustomed in the West. Indeed, the Forest Service's own research shows that gum thickened retardants are 25-40 percent more effective than un-thickened retardants. The criteria called for in 2004, though, can be met today. Is it the Committee's view that the U.S. Forest Service should be striving for a more environmentally friendly product and should use such a product as soon as possible?

Mr. GORTON. I agree with that view. It should be the U.S. Forest Service's priority to use the most effective, environmentally protective aerially applied fire retardants.

Mr. CRAIG. Mr. Chairman, as you know, the after-effects of wildfires are devastating to the landscape. Mother Nature has a way of bringing life back to the land when all appears lost. However, even Mother Nature cannot erase for years the stains on the lands caused by some aerially applied fire retardants. This is especially of concern where historical and archeological resources, national parks, wilderness areas and urban/wilderness areas are concerned. Would you agree that U.S. Forest Service should preserve the option for local foresters to use less staining fugitive retardants where, in their judgment, it is warranted?

Mr. GORTON. I would agree that the U.S. Forest Service should preserve the option to use such fire retardants in order to minimize the long-term visual impacts of wildfires.

Mr. CRAIG. Mr. Chairman, the U.S. Forest Service has historically supported competition in the supply of fire retardants through the inclusion of a viability clause in its bids. For the first time, the upcoming 2001 bid process may be conducted by sealed bid. It

is unclear whether viability will be a consideration. This is a critical issue in a fire season like the one we just experienced. Would you agree that the U.S. Forest Service should support competition in the supply of aerially applied fire retardants?

Mr. GORTON. I would agree that maintaining dual suppliers of high performance, environmentally acceptable fire retardants is critical to the mission of the Service.

Mr. CRAIG. I thank the Chairman for this clarification.

#### GREAT FALLS HISTORIC DISTRICT, PATERSON, NEW JERSEY

Mr. LAUTENBERG. Mr. President, I would like to inquire of the Chairman of the Subcommittee on Interior and Related Agencies, Senator GORTON, about one aspect of the conference report.

Mr. Chairman, the conference report to the Interior Appropriations bill for Fiscal Year 2001 does not include funding for construction projects in the Great Falls Historic District, located in the City of Paterson, New Jersey.

Mr. GORTON. The Senator is correct. Mr. LAUTENBERG. Mr. Chairman, by way of background, the Great Falls Historic District was established in Section 510 of Public Law 104-33, the Omnibus Parks bill of 1996. This legislation, which I coauthored, is designed to preserve the historic character of the City of Paterson, New Jersey. Like Lowell, Massachusetts, Paterson holds a prominent place in our nation's industrial past. Few people realize that Paterson was the first planned industrialized city. Alexander Hamilton himself chose the area around the Great Falls for his laboratory, and he established the Society for Useful Manufacturers right in Paterson. The work of its citizens and the wealth of its natural resources soon caused Paterson to thrive, and it became a mecca for countless numbers of immigrants, including my own family. The skills and spirit of these immigrants made Paterson one of our nation's leading centers for textile manufacturing, earning the nickname "Silk City."

Mr. Chairman, the 1996 legislation authorizes the Secretary of the Interior to provide grants through the Historic Preservation Fund for up to one-half of the costs of preparing a plan for the development of historic, architectural, natural, cultural, and interpretive resources within the Great Falls District. The Secretary may also provide matching funds for implementation of projects identified in the plan. The total federal authorization for the Great Falls Historic District is \$3.3 million.

Mr. Chairman, since the authorizing legislation establishing the Great Falls Historic District specifically enables the City to receive up to \$250,000 in matching federal funds for preparation of a historic preservation plan, the Secretary could provide these funds through the funds provided in the conference report for the Historic Preservation Fund.

Mr. GORTON. The Senator is correct. This bill includes appropriations from the Historic Preservation Fund that could be used for eligible projects such as that for the Great Falls in Paterson.

Mr. BYRD. I concur with the Chairman that the Great Falls project is eligible to receive Historic Preservation Funds, for preparation of its plan.

Mr. LAUTENBERG. Mr. Chairman, I understand that the Great Falls Historic District would be eligible to receive up to \$250,000 of these funds for preparation of a historic preservation plan, and that, once these plans are completed, an additional \$50,000 in matching funds is available from the Historic Preservation Fund for technical assistance and \$3 million is available for restoration, preservation, and interpretive activities.

Mr. Chairman, I would like to include a letter from the Mayor of the City of Paterson to the regional director of the National Park Service, expressing the City's interest in moving forward with development of the Great Falls development plan. I hope that this letter will confirm to the Service and to the Chairman and Ranking Member, that the City is fully prepared to provide the necessary match to develop the plan. I am confident that the City will work closely with the Service on development of a plan, and that, once it is completed, the City may apply for the remaining authorized funds for completion of specific projects.

Mr. GORTON. I appreciate the Senator's interest in this matter, and I ask unanimous consent that a copy of the letter be inserted in the RECORD.

Mr. LAUTENBERG. I thank the Chairman and the Ranking Member.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CITY OF PATERSON,  
OFFICE OF THE MAYOR,  
Paterson, NJ, October 4, 2000.

MARIE RUST,  
Northeast Regional Director, National Park  
Service, 200 Chestnut Street, Philadelphia,  
PA.

Re: Public Law 104-333.

DEAR MS. RUST: This is to reaffirm our sincere interest in, and need of, the funding of Public Law 104-333. Ever since the authorization of the 3.3 million dollars for the Great Falls Redevelopment Act we have been anxiously awaiting the appropriation. We are committed to provide the necessary local match.

The preparation of the Development Plan required by the Act is an essential first step in documenting the feasibility of a National Park. After the Plan, our two primary activities in the district remain to be the redevelopment of the former ATP Site including the Gun Mill and the rehabilitation of the raceway. Both projects are essential to the achievement of the economic development objectives of the Urban History Initiative. The initial Gun Mill stabilization has been successfully completed. We are awaiting the execution of the Programmatic Agreement so that we may continue with the engineering and other site preparation and stabilization work for the former ATP Site. The overall raceway and prioritization has been completed. Final plans are ready for the Upper Raceway section.

We continue to pursue other sources of funding including TEA-21 Enhancement, the New Jersey Historic Trust, New Jersey Green Acres, and others. If these are not successful I will ask the City Council to bond any remaining local share. This is to assure you that we will secure the local match for whatever amount Congress appropriates.

Very truly yours,

MARTIN G. BARNES,

Mayor.

Mrs. BOXER. Mr. President, I have been a long time supporter of CARA—the Conservation and Reinvestment Act. The concept behind CARA was a visionary one—to take revenues generated from the extraction of offshore oil and gas resources and reinvest them permanently and automatically in our nation's invaluable wildlife, coastal, and public land resources.

The CARA proposal that was developed in a cooperative, bipartisan way by the Senate Energy Committee offered an opportunity for this Congress to make an historic contribution to conservation and to truly leave behind a legacy that we could be proud of and from which our children would benefit.

Instead, we are faced with a situation in which this overwhelmingly popular bill will never be considered on the Senate floor.

The House passed its version of CARA back in May by an overwhelming vote of 315 to 102; it was a vote that brought in supporters from across the political spectrum and around the country. More recently, a letter signed by 63 Senators was sent to the Senate leadership requesting that CARA be brought to the floor.

Yet the Republican leadership has refused to let this bill move forward.

I ask my colleagues, what does it take to get a vote around here? How can we say that we are doing the people's business, if a bill that is as broadly supported as CARA cannot even be voted upon?

We have now been presented with a package in the Interior appropriations bill that purports to fulfill the goals of CARA. I am tremendously disappointed to say that this package does very little to accomplish the goals of CARA.

CARA would have provided nearly \$45 billion to important conservation programs over the next 15 years. The Interior proposal provides roughly \$6 billion and only makes those funds available for the next 6 years.

But far more disappointing than the discrepancy in funding levels is the fact that the Interior proposal does little to guarantee that these funds will actually be made available each year for specific conservation purposes.

Instead, the Interior proposal will force important and beneficial programs like Urban Parks and Recreation to battle against other important programs like the Historic Preservation program for funding each year.

What made CARA remarkable was the fact that it would have provided the Urban Parks program, or state fish and wildlife agencies, or endangered species recovery efforts, with a predictable and reliable amount of funding.

This feature would have ensured that important conservation efforts would NOT be subject to the uncertainties of the annual appropriations cycle, but instead could be certain that funding would be available over the long term. And as a result, these conservation programs could have finally planned and implemented ambitious, long-term conservation efforts. The Interior appropriations proposal fails to provide this sort of certainty.

I will vote for the Interior appropriations bill. The bill funds many important programs that I care about and in making a nod to CARA it will provide some increased funding for things like the state's portion of the Land and Water Conservation Fund.

I am also pleased that the most egregious anti-environmental riders that appeared in earlier versions of this bill have been removed.

However, I hope nobody will interpret my vote for this bill as a sign of support for what I view as a hijacking of CARA. I remain deeply disturbed that a bill that had the potential to do as much good as CARA will never see the light of day.

Mr. SMITH of New Hampshire. Mr. President, it is with great regret that I rise today to oppose the Conference Report to the Interior Appropriations bill.

I want to begin by praising my colleagues on the Committee on Appropriations who have worked so hard on this bill and conference report. I know they have faced many difficult issues, competing demands for limited resources, and the pressure of time as this Congress winds down. And there are many good provisions in this bill, including several that will benefit my home State of New Hampshire. The bill includes two projects that have been particularly important to me and for which I requested funding—the Lamprey River & St. Gaudens. I appreciate the efforts of the Appropriations Committee to provide that funding.

Unfortunately, notwithstanding these and other good provisions, the bill fails to deliver what we as elected officials have promised the American people. I want to take this opportunity to explain, especially to my fellow Granite Staters, why I am voting against the Interior Appropriations Conference Report.

First, I am deeply disappointed that this bill does not include full funding for the Land and Water Conservation Fund or for the many important programs included in the Conservation and Reinvestment Act. In failing to provide this funding, I believe that we have truly squandered an opportunity that may never exist again. Even more importantly, I believe we failed to live up to the promise we made years ago to dedicate a percentage of the revenues from oil and gas production on the Outer Continental Shelf to the conservation and enhancement of fish, wildlife, lands and waters.

Congress came close to keeping that promise when the House passed by an

overwhelming margin of three to one a landmark conservation bill—the so-called Conservation and Reinvestment Act (CARA). The Senate Energy and Natural Resources Committee passed a companion bill in July. The CARA bill reflects our collective commitment to investing in the environment for ourselves and for future generations.

I am proud that I was able to play a part in bringing attention to the bill in the Senate. On May 24, 2000, I held a hearing on the Senate bill in the Committee on Environment and Public Works. Although that Committee, which I chair, did not have primary jurisdiction over the bill, I felt it was important to hold the hearing to help build support for the legislation and to highlight some of the very important programs that would be enhanced by the passage of the bill. These programs included funding for the Endangered Species Act and Pittman-Robertson Act, both of which are in the jurisdiction of the Committee on Environment and Public Works. I said it then, and I want to reaffirm it today. Now is the time for the Federal government to step up to the plate and assist in the efforts to protect our natural resources—not by grabbing up more Federal land, but by working in partnership with States and private landowners and providing much-needed funding for critically underfunded programs. The CARA bill would have done that.

Instead, the Interior Appropriations Conference Report includes a mere shadow of the real CARA.

Instead of providing full permanent funding for the Land and Water Conservation Fund, the Interior Conference Report appropriates only \$600 million for one year and only \$90 million of that is allocated for stateside funding. The CARA bill I cosponsored would have provided the States with a guaranteed \$450 million a year to conduct numerous worthwhile conservation projects, including creating new parks and building soccer fields. The limited appropriation provided by the Conference Report, by contrast, with no guarantees for future years, isn't CARA; it's business as usual.

The bottom line is that Americans like to spend their time outdoors. Over half of all Americans will tell you that their preferred vacation spots are national parks, forests, wilderness areas, beaches, shorelines and mountains. And almost all Americans—94 percent believe we should be spending more money on land and water conservation.

I agree with those Americans who believe that it's time to invest some of the budget surplus in our environment. For years now, we have been telling the tax payers that there isn't any money available for conservation programs and that it's up to landowners to bear the burdens of saving our land and natural resources. Well, in my opinion, those days are over. It's past time for the federal government to contribute its fair share, and the Interior Con-

ference Report falls far short in that respect.

Second, I am extremely troubled by the fact that the Conference Report provides no protections for private property rights. CARA did. The real CARA bill provided an unprecedented level of protection for the private land owner. For example, the Senate CARA bill that I cosponsored expressly prohibited the federal government from using any CARA funds to implement regulations on private property. In addition, all Federal acquisitions of land through the Land and Water Conservation Fund would have been subject to significantly more restrictions than under current law. Not one of those private property rights protections is included in the Interior Appropriations Conference Report.

Third, I cannot support the language in the Conference Report that establishes a vague new Federal "wildlife conservation program" that imposes new, but undefined, obligations on the States and gives broad discretion to the federal Fish and Wildlife Service to define those obligations. The Interior Appropriations Conference Report directs the Fish and Wildlife Service to create a new \$300 million state grant program subject only to the approval of the Committee on Appropriations. That is inappropriate.

The Committee on Environment and Public Works is responsible for overseeing wildlife programs; it is our prerogative and responsibility to review, discuss, and ultimately authorize any wildlife program. Yet, this new program was inserted at the last minute, behind closed doors, without any public debate or consultation with the Committee of jurisdiction. For that reason, I must oppose its inclusion in this Conference Report. The concept may be a good one, but this is not the right process or the appropriate vehicle.

Finally, I must oppose the Conference Report because of the adverse impact it will have on thousands of citizens of New Hampshire who depend upon and enjoy the White Mountain National Forest.

When the Senate passed its Interior Appropriations bill in July, it included an important provision excluding the White Mountain National Forest from this Administration's broad policy of prohibiting the construction of all new roads in previously undisturbed areas of national forests, the so-called roadless policy. We excluded the White Mountain National Forest from this "one-size-fits-all" roadless policy, not because we want thousands of miles of new roads in the White Mountains, but because these decisions should be made at the local level through the forest planning process, by the people who live near, enjoy, and use the National Forest.

I have deep concerns about the Administration's roadless policy because I believe it is intended to limit public access and legitimate public use of our national forests. But even more impor-

tantly, in the context of the White Mountain National Forest, it would specifically override an existing forest management plan that maintains a balance between economic activity, recreation and environmental protection—a forest management plan that was developed through a collaborative process involving state and local government officials, local citizens, and federal officials. I firmly believe that States and local citizens should play a significant role in making the management decisions relating to the forest lands in their communities, including the decisions about roads.

It was for that reason that I strongly supported the language that was included in the Senate bill that allowed the citizens of New Hampshire to make those decisions through the forest planning process for the White Mountain National Forest, rather than simply mandating a blanket roadless policy from Washington, D.C. That important provision, however, has now been dropped from the Conference Report. I believe that Washington D.C.'s roadless policy will hurt New Hampshire. It will have significant economic, social, and ecological impacts. And it will undermine the cooperative dialogue that took place during the revision of the forest plan. Therefore, I cannot support a Conference Report that does not include language protecting the White Mountain National Forest from unnecessary and inappropriate interference from Washington's bureaucrats.

The Interior Appropriations bill passed by the Senate last July also included a specific exemption for North Country residents from the user fees that the National Forest Service charges for access to the White Mountain National Forest. That exemption has now been deleted.

I have long been opposed to user fees in the White Mountain National Forest because I believe it is fundamentally unfair to local residents. In areas, like the North Country of New Hampshire, where the Federal Government owns much of the land, communities lose a significant portion of their property tax base which they need to fund schools and other necessary social programs and infrastructure. Residents in these communities then have to make up the shortfall. The user fee, on top of the loss in local tax revenue, imposes an unfair burden for local citizens. It is wrong for the Federal government to charge local residents in the North Country a fee for enjoying the White Mountain National Forest when they are already subsidizing the Forest.

As I stated at the beginning, there are many good provisions in this Interior Conference Report. I applaud the work that my colleagues have done and appreciate the support they have given to important New Hampshire projects. Therefore, it is with great reluctance that I oppose the Conference Report.

Mr. WELLSTONE. Mr. President, I come to the floor today to speak about two provisions of great concern to my

state of Minnesota. While this conference report clearly missed the opportunity to make a historic, long term, commitment to our environmental heritage, I rise in support of this legislation because it does represent an important first step in many conservation accounts, and includes vital funding to restore Minnesota's National Forests.

First of all, I want to make clear that I am disappointed that the full Conservation and Reinvestment Act, CARA, was not included in this Interior Appropriations bill. CARA, as reported out of the Senate Energy and Natural Resources Committee, is landmark legislation that would commit \$3 billion annually for 15 years to conservation and natural resource protection. CARA would provide \$37.4 million of stable funding annually to the conservation and protection of Minnesota's natural resources.

However the compromise in this bill does not reflect the spirit or intent of the full CARA bill. First of all this Conference report does not guarantee multiple year funding for the states, which was the entire premise of CARA. When it comes to protecting our coastlines (on the North Shore in Minnesota) and open spaces (in Northern Minnesota), expanding our urban parks (in the metro Twin Cities area), or investing in wildlife conservation, the annual appropriation approach has proven not to work in the past and is unlikely to work in the future. In addition, the report does not include dedicated funding for wildlife conservation programs, which puts Minnesota's wildlife conservation needs in competition with other state conservation programs, and makes it possible that Minnesota would receive no funds for wildlife preservation from this legislation. While, overall I am encouraged that this legislation more than doubles conservation funding from the \$742 million in the current fiscal year to \$1.6 billion in FY 2000, we should not lose sight of the fact that this conference report is clearly no substitute for a full funded CARA bill.

On a related matter, I am pleased the conference committee has restored the balance of the Forest Service's request for Minnesota's National Forests. During consideration of the Interior Appropriations bill, Senators GORTON and BYRD agreed to my amendment to include \$7.2 million in additional emergency funds for Minnesota's National Forests. And today the Senate will take an important step that will restore the balance of emergency funds requested earlier this year by the Superior, Chippewa and Chequamegon National Forests' for blowdown recovery efforts.

Furthermore, this legislation includes an important regular, FY 2001 appropriation for the Superior National Forest, that my colleague from Minnesota and I were able to work on together. These monies would be available to the Forest Service next year

and are vital to continued recovery efforts in northern Minnesota.

These national forests bore the brunt of a massive once-in-a-thousand year wind and rain storm that devastated parts of northern Minnesota on July 4, 1999. The storm damaged over 300,000 acres in seven counties, including as much as 70 percent of the trees in our national forests, and washed out numerous roads. The damage caused by this storm has severely hindered the U.S. Forest Service's ability to responsibly manage the Chippewa and Superior National Forests.

The most troubling aspect of this storm for the people of northern Minnesota is the continued extreme risk of a catastrophic fire resulting from the tremendous amount of downed and dead timber. Funding provided to the Forest Service through this legislation will be used for immediate and future recovery efforts, and to reduce the threat of a major wildland fire.

The storm has changed affected portions of the forests for years to come and has created new risks and experiences for visitors and residents. Since July 4th, the Superior and Chippewa National Forests officials have been working with state, county, and local officials on storm recovery activities and planning to meet future needs.

Immediately after the storm the Forest Service, in conjunction with State, County and local governments began a search and rescue operation that lasted for 15 days from July 4 to July 19, 1999. Fortunately not a single life was lost in the storm, however there were 20 medical evacuations from the Boundary Waters Canoe Area Wilderness, BWCAW. The most severe case was a broken neck. In addition, the forest Service conducted a search of 2,200 camp sights in the BWCAW to ensure no one was trapped. And finally USFS crews cleared approx. 200 miles of roads, and reconstructed 6 miles of emergency roads.

Once the emergency search and rescue was completed, the U.S. Forest Service turned their attention to reducing hazards that could negatively affect visitors, residents and local businesses that depend on the BWCAW and the National Forests. The Forest Service brought in 191 people including an administrative team and several crews from across the country to return facilities to a safe condition so they could be reopened and used during the rest of the year.

And now the Superior National Forest is proposing to reduce the risk of fire escaping the Boundary Waters Canoe Area Wilderness, BWCAW, by using prescribed burning within the wilderness. The 1.1 million-acre BWCAW, located in northeastern Minnesota adjacent to the Canadian border, is one of the most heavily used wildernesses in the United States.

The proposal is to reduce the increased risk of wildfire associated with the July 4, 1999, storm. The proposed action is to treat approximately 47,000

to 81,000 acres of the wilderness with prescribed fire over a five to six year time period.

The goal of this project is to improve public safety by reducing the potential for high intensity wildland fires to spread from the BWCAW into areas of intermingled ownership, which include homes, cabins, resorts and other improvements, or across the international border into Canada. This will be accomplished in a manner which is sensitive to ecological and wilderness values, and protects fire personnel and BWCAW visitor safety during implementation.

While the Forest Service has been engaged in this work for many months, it is clear that much is yet to be done, and that it is going to take many years to dig out from under the storm and to restore the forest to a more normal and healthy state. However this cannot happen without adequate funding. This is a victory for all of Minnesota, and I am grateful to my colleagues for their support. I am very pleased that the Senate approved the remainder of these badly needed funds today, especially for the people of northern Minnesota, who cannot wait.

Mr. FEINGOLD. Mr. President, I am delighted that the conference report for Interior appropriations before this body today makes a significant investment in Wisconsin's only unit of the National Park System, the Apostle Islands National Lakeshore. The Lakeshore recently celebrated its 30th anniversary on September 26, 2000, and I rise today to express my gratitude to the Senior Senator from West Virginia (Mr. BYRD) and the Senator from Washington (Mr. GORTON) for working with me to ensure that some of the highest priority needs at the Lakeshore are met.

I have been raising the need for these funds since 1998. On April 22 of that year, I introduced legislation, named for former Senator Gaylord Nelson who was the sponsor of the federal legislation that created the Lakeshore, to try to make sure that the Park Service has the funds included in this bill today. This bill helps to fund a wilderness suitability study of the Lakeshore as required by the Wilderness Act. Most of the Lakeshore is managed as wilderness, yet the required study has not yet been completed so that Congress can evaluate whether there is a need for a formal legal designation. This bill retains amendment language that I offered during the Senate consideration of Interior appropriations and provides \$200,000 for that purpose.

The bill also provides funds to the Park Service to protect the history Raspberry and Outer Island lighthouses which are threatened by erosion. The 21 islands of the Apostle Islands National Lakeshore have six lighthouses, the greatest number of lighthouses on any property in federal ownership anywhere in the country. They are all at least 100 years old, and many of them are still used as aids to navigation and are in need of Federal help.

By providing funds in this bill to ensure the success of the Lakeshore we contribute to another larger success—our efforts to clean and protect our environment and provide places for people to rest and refresh themselves. I have been very pleased in the willingness of the bill's managers to support my efforts to draw attention to this park. They have other, bigger parks that also have funding needs. But the managers understood my appeal on behalf of the people of Wisconsin with these funds. They know, as I do, that when the American people sit among the hemlocks on Outer Island, walk along the shore, travel to Devils Island, observe the waters of Lake Superior, they know protection of the Apostles is worth a federal investment.

The investments in the Apostles are authorized investments, part of the requirements that we gave the Park Service when we created the Lakeshore. As delighted as I am that these funds have been included by the managers, I remain concerned about the fact that this bill provides funds and policy direction for unauthorized projects, authorizes new projects and continues to contain a number of policy riders that affect environmental protection. Because these riders remain, I will vote against the bill.

I am concerned that this body is becoming habituated to the practice of environmental legislation by rider. This leaves Members of this body, like myself, who are very concerned about legislation which has the potential to adversely effect the implementation of environmental law, or change federal natural resource policy, with limited options. We must, by either striking the riders, or trying to modify their efforts, do the work of the authorizing committees on the floor of this body. With limited floor time on spending bills, and with the pressure to pass appropriations bills or risk shutting down or disrupting important Government programs, we do not do the best by the environment that we can and must do in our legislative efforts.

I believe that the Senate should not include provisions in spending bills that weaken environmental laws or prevent potentially environmentally beneficial regulations from being promulgated by the federal agencies that enforce federal environmental law.

For more than two decades, we have been a remarkable bipartisan consensus on protecting the environment through effective environmental legislation and regulation. I believe we have a responsibility to the American people to protect the quality of our public lands and resources. That responsibility requires that the Senate express its strong distaste for legislative efforts to include proposals in spending bills that weaken environmental laws or prevent potentially beneficial environmental regulations from being promulgated or enforced by the federal agencies that carry out Federal law.

Every year I hold a town hall meeting in each one of Wisconsin's 72 coun-

ties. When I hold these meetings, the people of Wisconsin continue to express their grave concern that, when riders are placed in spending bills, major decisions regarding environmental protection are being made without the benefit of an up or down vote.

When this bill passed the Senate initially on July 18, 2000, I was one of two Senators to vote against it because of legislative riders. I know that the bill managers worked long and hard to keep a number of the most controversial riders, many of which I was concerned about, off of this bill and I commend them for that. However, I am also concerned that there is a category of riders to which we have become habituated: riders on Alaska red cedar, riders on mining regulations, riders on grazing permits. There are also new authorizing provisions in this bill, such as developing forensic laboratory service fees for Fish and Wildlife investigations into wildlife mortality, and a new program to develop a reduced fee program for developing a reduced fee program to accommodate nonlocal travel through the National Park System. Why aren't these matters being discussed in the authorizing committees? These issues may have merit, but I think they should be handled by the committees of jurisdiction.

We cannot continue to put the Appropriations Committee in the position of having to decide which of these riders are more or less important. These measures need to be referred to the authorizing committees, and we need to restore the trust of the American people that we are proceeding with the people's business in a fashion which allows for open debate and actual deliberation.

I yield the floor.

Mr. DOMENICI. Mr. President, I am pleased to rise today in strong support of the conference report accompanying H.R. 4578, the Interior and related agencies appropriations bill for fiscal year 2001.

As a member of the Interior Appropriations Subcommittee and the joint House-Senate conference committee, I appreciate the difficult task before the distinguished subcommittee chairman and ranking member to balance the diverse priorities funded in this bill—from our public lands, to major Indian programs and agencies, energy conservation and research, and the Smithsonian and federal arts agencies. They have done a masterful job meeting important program needs in this final bill.

The pending conference report provides an unprecedented \$18.9 billion in new budget authority and \$11.9 billion in new outlays to fund the Department of Interior and related agencies. When outlays from prior-year budget authority and other completed actions are taken into account the Senate bill totals \$18.9 billion in BA and \$17.4 billion in outlays for fiscal year 2001. The Senate bill is exactly at the revised section 302(b) allocation for both BA and in

outlays filed by the Appropriations Committee earlier today.

I would particularly like to thank Senator GORTON and Senator BYRD for their commitment to Indian programs in this year's Interior and related agencies appropriation bill. They have included increases of \$160 million for Bureau of Indian Affairs education construction, \$214 million for the Indian Health Service, and nearly \$102 million for the operation of Indian programs.

I commend the subcommittee chairman and ranking member for bringing this important measure to the floor with significant resources totaling \$1.6 billion to address the aftermath of the devastating summer and fall forest fires, including my initiative to undertake hazardous fuels reduction activities within the urban/wildland interface to protect our local communities—the so-called Happy Forests initiative.

This bill also includes an important, bipartisan compromise to establish a new Land Conservation, Preservation and Infrastructure Program that will dedicate \$12 billion over the next six years to conservation programs. This is an unprecedented commitment to conservation efforts by the Federal Government. I am pleased to support this initiative in its final form.

I appreciate the consideration given by my colleagues to several priority items for my constituents in New Mexico, which are included in the final bill.

I urge my colleagues to support the final version of the fiscal year 2001 Interior and related agencies Appropriations bill, and I ask unanimous consent that the Budget Committee scoring of the bill be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

H.R. 4578, INTERIOR APPROPRIATIONS, 2001, SPENDING  
COMPARISONS—CONFERENCE REPORT  
(Fiscal year 2001, in millions of dollars)

	General purpose	Mandatory	Total
Conference Report:			
Budget authority .....	18,883	59	18,942
Outlays .....	17,284	70	17,354
Senate 302(b) allocation:			
Budget authority .....	18,883	59	18,942
Outlays .....	17,284	70	17,354
2000 level:			
Budget authority .....	14,769	59	14,828
Outlays .....	14,833	83	14,916
President's request:			
Budget authority .....	16,413	59	16,472
Outlays .....	15,967	70	16,037
House-passed bill:			
Budget authority .....	14,723	59	14,782
Outlays .....	15,164	70	15,234
Senate-passed bill:			
Budget authority .....	15,875	59	15,934
Outlays .....	15,591	70	15,661
CONFERENCE REPORT COMPARED TO			
Senate 302(b) allocation:			
Budget authority .....	.....	.....	.....
Outlays .....	.....	.....	.....
2000 level:			
Budget authority .....	4,114	.....	4,114
Outlays .....	2,451	-13	2,438
President's request <sup>1</sup> :			
Budget authority .....	2,470	.....	2,470
Outlays .....	1,317	.....	1,317
House-passed bill:			
Budget authority .....	4,160	.....	4,160
Outlays .....	2,120	.....	2,120
Senate-passed bill:			
Budget authority .....	3,008	.....	3,008



H.R. 4578, INTERIOR APPROPRIATIONS, 2001, SPENDING  
COMPARISONS—CONFERENCE REPORT—Continued

(Fiscal year 2001, in millions of dollars)

	General purpose	Manda- tory	Total
Outlays .....	1,693	.....	1,693

<sup>1</sup> The comparison between the conference report and the President's request is skewed because the conference report includes \$1.5 billion in emergency firefighting funds that the President indicated he would request, but for which OMB never submitted a formal request to the Congress, so the amount is not reflected in the President's request.

Note.—Details may not add to totals due to rounding. Totals adjusted for consistency with scorekeeping conventions.

Mr. GRASSLEY addressed the Chair. The PRESIDING OFFICER. Who yields time?

Ms. LANDRIEU. Mr. President, I am in line for time, but I would be happy to yield to the Senator for 5 or 10 minutes.

Mr. GRASSLEY. Ten minutes.

Ms. LANDRIEU. I just need the 30 minutes that were reserved for me. I would be happy to yield to the Senator from Iowa.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. LANDRIEU. Mr. President, I come to the floor today, as I have many times in the last couple of months, to speak about an issue that is so important for so many Members in the Senate, and our colleagues on the House side, and to supporters everywhere, the Conservation and Reinvestment Act.

We will be voting on the Interior appropriations bill in just a few moments. I plan, with all due respect to those who have worked on this bill—and I acknowledge their hard work—to vote no because it fails to embrace the principles outlined in the Conservation and Reinvestment Act.

I express my respect for the members of the Appropriations Committee. They have a very tough job. They are charged with a great responsibility. While we have disagreed over this particular issue, we have worked together as we have tried and continue to try to reach a bipartisan compromise over this great battle for a legacy for our environment.

In particular, I thank Senator TED STEVENS from Alaska, our chairman, and Senator ROBERT BYRD from West Virginia, our ranking member, who have been very attentive to the calling and the requests of the CARA supporters in this regard. While we have disagreed on this issue, it has not been personal. My remarks today are intended strictly to be constructive and hopefully to help us chart a course to navigate in the future on this important issue.

I will read into and submit for the RECORD the excellent comments from

individuals and Governors and mayors reflected in newspapers around our country, literally from the west coast to the east coast, from the south to the north, from interior communities to coastal communities, literally thousands and thousands of positive editorials and articles written about what we are attempting to do. From the State of Illinois, we have had some of our best editorials on this subject, of which the Presiding Officer has been a supporter.

From the Seattle Post, May 18, a few months ago this year, talking about CARA:

It is a bold approach to environmental conservation and restoration. If ever there were a win-win for all the squabbling factions permanently encamped in the corridors of Capitol Hill to argue about the environment, this bill has to be it.

From the Providence Journal, RI, September 19:

Even with the unusual level of bipartisan support that this measure has, it could easily get lost in the last days of an election-year session. Citizens should press Congress to get it on to the desk of President, who would sign it.

While time is short, where there is a will there is a way, and the people of Rhode Island surely believe that.

From the Los Angeles Times, September 18:

This measure should be plucked from the pack and made law.

Chicago Tribune, from the home State of the Presiding Officer:

As Congress churns through its last days before adjournment, one issue of environmental impact should not be left in the dust, the Conservation and Reinvestment Act, or CARA.

The New York Times just last week:

Before adjourning next month, Congress should approve two of the most important conservation bills in many years. One bill, the Conservation and Reinvestment Act, would guarantee \$45 billion over 15 years for a range of environmental purposes, including wilderness protection.

Again, from my own paper, the New Orleans Times Picayune, which a few months back, actually, in its frustration in trying to communicate our message, said:

Senators from inland states don't seem to understand why Louisiana and other coastal states should receive the bulk of this environmental money generated by offshore revenues and maybe that is because their states aren't disappearing.

From the Tampa Tribune:

The Conservation Reinvestment Act is a necessary and sensible measure that would allow our nation to safeguard its natural heritage. It deserves Senate support.

Finally, from the Detroit Free Press, one of our most supportive editorials, in June of this year:

One of CARA's most exciting aspects, in fact, is the ability to focus on smaller projects than the Federal Government normally would, including urban green spaces, walkways, small slices of important habitat. For those with visions of a walkable riverfront in Detroit, of selective preservation of natural spots in the path of development, CARA is a dream come true—if the Senators controlling its fate will set it free.

I don't think CARA is going to get set free in the vote that we are going to have in just a few minutes, but that is the process. We will continue our fight. We will continue to talk about this important issue, and we will be organized and ready for next year.

In addition, there are still days left in this session where CARA could be, or something more like it, set free so that we can begin and can continue some of the very important environmental work going on in the country.

Let me say, not all of that environmental work takes place in Washington, D.C. Not all of that environmental work takes place among Federal agencies, although they have a role. A lot of this work takes place in our hometowns all across the Nation, with our Governors' offices, with our mayors and our county commissions, on ball fields and soccer fields, on cleanup days and Earth Days all over the Nation. That is the hope that CARA would bring that will be left on the table today.

I will submit all of these for the RECORD in my closing remarks.

In addition, let me make the point that some people have claimed that the CARA legislation was just helping coastal States. I will submit for the RECORD a wonderful editorial today from a place right in the middle of our Nation, the Kansas City Star, about the Conservation Reinvestment Act, realizing that time is short, but I want to read what they say from Kansas and Missouri:

This is not the time to give up. Despite the apparent bipartisan agreement, this latest version of the Conservation and Reinvestment Act, also known as CARA, should not be the one approved by Congress.

Let us try to unite and find the will to salvage what we can, and perhaps there is a possible way to do that.

Let me read for the RECORD, as I begin closing, a letter to the editor of all the ones that were received, and there were literally hundreds written by many distinguished people from around our country, the one we received that just stood out above all the others was a wonderful letter written by Lady Bird Johnson and by the distinguished leader, Laurance Rockefeller, who is the uncle to our colleague from West Virginia whom we so admire and respect and for whom we have such affection. Laurance Rockefeller is 98 years old. I will read into the RECORD what Lady Bird and Laurence Rockefeller said about the actions we should be taking now:

The 20th century can rightly be called America's conservation century. From President Theodore Roosevelt forward, Americans began to embrace their land rather than just use it. This ethic of conservation has created, protected and preserved tens of millions of acres of open space in America, encompassing everything from national parks to neighborhood soccer fields.

But conservation is not something that concludes just because a century does. We are not done, nor will we ever be. While protecting our natural resources is often a

quiet, steady exercise, sometimes moments of great opportunity arise. We are at such a moment now.

They go on to write:

The U.S. Senate has before it legislation that would do more to protect America's heritage than anything in a generation. The Conservation and Reinvestment Act is in the true spirit of the early conservationists: It plans for the future while solving the immediate; it provides for recreation as well as preservation; it ensures significant state and local input and control; and it has bipartisan support. The House has passed the bill and the Senate Energy and Natural Resources Committee has approved it. With the administration supporting the legislation, all that is needed is Senate action in the remaining days of this Congress.

CARA's origins stretch back to 1958, when President Eisenhower created the Outdoor Recreation Resources Review Commission to conduct a three-year inquiry into America's growing outdoor needs. Its findings suggested a new approach: Not only should the Federal Government step up its lagging land acquisition program to round out our National Park System, but it should also embark on a new venture to provide matching funds that state and local governments could use to meet a broader set of outdoor needs.

In 1964, President Lyndon B. Johnson signed into law a bill creating the Land and Water Conservation Fund, which not only affirmed these commitments but set American conservation on a course it still follows.

The foresight embedded in LWCF—an emphasis on Federal/state/local partnerships, long-term planning, permanent acquisition and urban recreation—was strengthened later in the 1960s by tapping money from offshore oil and gas leases to fund LWCF projects. The wisdom of doing so was strikingly simple: Utilize the exploitation of one public natural resource in order to protect and conserve another. Congress had made a promise and found a way to keep it. And for years, the LWCF worked wonders. More than 37,000 projects have been sparked by the initiative, helping states and localities acquire 2.3 million acres of parkland and adding 3.4 million acres of new Federal lands to our national bounty. The LWCF has funded open space in literally every county in America, and is responsible for everything from helping preserve Civil War battlefields to purchasing land for Rocky Mountain National Park to building the baseball field down the street from your house.

After 15 years of generally faithful adherence to LWCF's unique bargain, Presidential administrations and Congress began to redirect large chunks of fund revenues from their intended purposes to other budget items. Since 1980, more than \$11 billion has been diverted from these projects, creating a staggering backlog of Federal, state and local land protection needs.

They continue and write:

We urgently need to restore the promise. That's what CARA will do. CARA represents the first good opportunity in 20 years to set our conservation path back on track. It not only fully funds the LWCF, but also addresses critical needs in wildlife management, urban parks, coastal protection—

Which is so important to my State and to many of our States, particularly Mississippi, Alabama, and all along the east and west coasts—

and historic preservation. Most important, it establishes a dependable source of funding for these programs. The prescience of those who created the fund was that conservation especially could not be a haphazard thing;

population growth, the inexorable march of development and simple wear and tear on resources require a permanent commitment. CARA returns us to that premise, providing approximately \$3 billion a year and a firm precedent for future funding.

CARA returns us to another important ideal: bipartisanship.

Sometimes that is in too short supply here in Washington.

Republican Don Young of Alaska and Democrat George Miller of California did a masterful job of steering CARA through the House, winning a 315-102 vote. In the Senate, Republican Frank Murkowski of Alaska and Democrat Jeff Bingaman of New Mexico brought the bill out of committee with support from Senators of both parties. In these gridlocked times, CARA's bipartisan treatment is a reminder that policy can sometimes overcome politics.

They conclude by saying:

We hope the full Senate will heed that reminder and act on CARA now.

We have worked as partners on conservation issues for almost four decades. Our hope has always been that American leaders would act so that their children—all children—would have something to look forward to. By reviving the Land and Water Conservation Fund before Congress goes home this year, it can provide just that.

Unfortunately, the bill before us does not do what this vision outlined. It does do many good things, but it falls short of this vision. In the last 10 minutes that I have, I want to finalize my comments by making just a few more points and submit a letter for the RECORD.

According to the Webster's Dictionary, "legacy" means something handed down from an ancestor or predecessor or from the past, or to bequeath.

For more than 3 years, many in this body, dozens of Members of the House of Representatives, hundreds of mayors and Governors, thousands of environmentalists and wildlife groups, and millions of Americans have been calling for a true environmental legacy.

Those of my colleagues who will, in a few minutes, support the Interior appropriations conference report will do so for many good reasons. My great friend from Idaho, Senator CRAIG, spoke eloquently yesterday about the money in this bill to fight the wild fires raging across the western plains. That is a very good reason to support this bill.

As the temperature gets ready to dip across America this winter, there is great need for a home heating oil reserve, and that is in this bill. That is a very good reason to support it.

In my State of Louisiana, the Cat Island Refuge, which is the oldest cypress forest in North America—and it may be the only one left—gets money in this bill. The New Orleans Jazz Commission and the Cane River National Heritage Area, the oldest settlement in the Louisiana Purchase, are reasons to support this bill.

However, if anyone here is looking for a true legacy, a long-term commit-

ment to our vanishing coastlines, our disappearing wildlife, and our crumbling parks and historic treasures, you will not find that in this bill.

The true legacy would have been the Conservation Reinvestment Act—a bill which has bipartisan support by a vast majority of the Congress and support from the President of the United States. However, today we will be asked to vote on what really amounts to sort of a CARA cardboard cutout—one that kind of looks like the real thing, but it is really flimsy and hollow, one which fails to deliver the great promise that we had at this opportunity for our children and our grandchildren.

For 3 years, a monumental and historic coalition built around this bill and congressional leaders designed it in a way to merit support across the aisle and across the Nation.

Early on, some environmentalists charged it was a pro-drilling bill. So we clarified the language to make sure it was drilling neutral to gather their support.

I think—and there are some of my colleagues on the floor who can attest to this—that perhaps we failed to go as far as we should have. But I believe we made great strides in meeting the concerns of some of those who claimed that this bill would have compromised private property rights and would have allowed the Federal Government to buy up land without willing seller provisions and congressional approval.

We worked mightily to meet those objectives, and we believe the compromise that we came up with was fair and good along these lines.

I know for the past few years I have cajoled, bargained, and spoken to so many of my friends and colleagues to listen to the merits of this proposal. I am sure on more than one occasion when they saw me coming, they ran the other way. But I believe this is so important that we should take this step now.

When I am asked how we can afford to do this, my answer is simple: How can we afford not to?

Since 1930, Louisiana has lost more than 1,500 square miles of marsh. The State loses between 25 and 30 miles each year—nearly a football field of wetlands every 30 minutes in my State.

By 2050, we will lose more than 600 square miles of marsh and almost 400 square miles of swamp.

That means the Nation will lose an area of coastal wetlands about the size of Rhode Island—about the size of your State, Mr. President. We are about ready to lose it.

In the past 100 years, as so eloquently spoken about yesterday by our colleague from Florida, Senator BOB GRAHAM, southern Florida's Everglades have been reduced to one-fifth their former size.

In the past 30 years, the population of blue crabs in the Chesapeake Bay has been barely hanging on, much to the dismay, I know, of Senator MIKULSKI and Senator SARBANES, who fight

vigorously for renewal in the Chesapeake.

In the middle of this century, a boat-er could look down into Lake Tahoe's depths and see 100 feet. Today that is more like 60, or 70, and dropping every day. Senator FEINSTEIN and Senator BOXER know that CARA could be one of the answers—not the only answer but truly one of the answers to help.

These facts are staggering. More importantly, it will take decades to turn it around.

So let's begin now.

I ask each of my colleagues to put themselves in the shoes of our Governors, our mayors, and our natural resource officials. All of these local officials are charged just as we are with developing long-range strategies to combat vanishing coastlines, disappearing wildlife, and crumbling treasures. But if we don't enact CARA, or something very close to it, a funding stream they can count on year in and year out, their efforts will be marginalized.

The Gulf of Mexico does not wait for congressional approval to claim 30 square miles of Louisiana every year. Hurricanes do not lobby congressional appropriators before they claim precious beaches in Mississippi, Alabama, Florida, and the eastern seaboard. Mother nature does not testify in front of Congress before she floods our parks, eats away at the Everglades, and takes her toll on our historic treasures.

Let us look closely at what we are doing here today. I ask that we not be lulled into believing that this is anything more than a minor downpayment on a debt we owe to our children.

In the past 2 years, I think we have made much progress in recognizing the contribution of the coastal States—particularly States such as Louisiana, Texas, Mississippi, and Alabama—which generate these offshore revenues in the first place.

Because I have received assurances from both leaders, Senator LOTT of Mississippi, and Senator DASCHLE of South Dakota, that both coastal impact assistance and wildlife protection can be addressed in other bills in this Congress, I have withdrawn my objections to final passage of this bill.

Although CARA supporters will lose the vote today, we will grow stronger. We will come back energized and ready to fight for what our country really needs—a true environmental legacy. The coalition knows that this is a downpayment. And, like all who are owed a debt, we will come to collect.

Winston Churchill once said:

Want of foresight. . . unwillingness to act when action would be simple and effective . . . lack of clear thinking, confusion of counsel until the emergency comes . . . until self-preservation strikes its jarring gong. . . these are features which constitute the endless repetition of history.

Colleagues, let us heed these words. Let us come next year prepared with a willingness to act. Let us think clearly before the emergencies come. Let us

not wait until our environmental preservation hangs in the balance. And let us listen to the cause of the American people—people from my State, people from your State, people from all of our States who say they need something on which they can depend—a steady stream of revenue; a partnership that they can depend on to help preserve what is best about America while protecting private property rights, while protecting the great balance between land ownership and land maintenance, while protecting the great needs of our coastline and our interior.

We need a bill that America can grow on and depend on and prosper from in the decades ahead.

I thank again the appropriators for their hard work. I thank the authorizers for their tremendous vision.

Mr. President, I ask unanimous consent to have printed in the RECORD a list of wonderful people who need to be thanked for their efforts and, in doing so, not conceding that there is not still some time left to make some corrections and improvements but recognizing that the time is short and we will continue to pursue this avenue. But this is a list of coalition members from the National Wildlife Federation; Sporting Goods Manufacturers Association; National Governors' Association; the Nature Conservancy; Louisiana Department of Natural Resources; Americans for our Heritage and Recreation; International Association of Fish and Wildlife Agencies that worked so hard on this effort; U.S. Soccer Foundation; National Wildlife Federation; Coastal Conservation Association; Outdoor Recreation Coalition of America; Trust for Public Lands; Coastal States Organization, which Jack Caldwell helped to head up; National Coalition of State Historic Preservation Officers, particularly the Governor of Oregon who was so helpful, and many other Governors; the Wilderness Society; Southern Governors Association; my Governor, Governor Foster, who lent a hand early on; Land Trust Alliance; and the Coalition to Restore Coastal Louisiana.

Those are just a few. There are so many more and I know my time is probably up.

I also ask unanimous consent to have printed in the RECORD the names of many of the staff people who helped make this possible.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### CARA COALITION MEMBERS

Mark Van Putten, Jodi Applegate, Jim Lyon, Steve Schimburg—National Wildlife Federation  
Sandy Briggs—Sporting Goods Manufacturers Association  
Jena Carter, Diane Shays—National Governor's Association  
Tom Cassidy, Jody Thomas, David Weiman—The Nature Conservancy  
Sidney Coffee—Louisiana Department of Natural Resources  
Tom Cove—Sporting Goods Manufacturers Association  
Jane Danowitz—Americans for our Heritage and Recreation

Glenn Delaney, Naomi Edelson, Max Peterson—International Association of Fish and Wildlife Agencies

Jim Range—International Association of Fish and Wildlife Agencies/The American Airgun Field Target Association

Gary Taylor—International Association of Fish and Wildlife Agencies

Herb Giobbi—U.S. Soccer Foundation

Pam Goddard—National Wildlife Federation

Bob Hayes—Coastal Conservation Association

Myrna Johnson—Outdoor Recreation Coalition of America

Lesly Kane—Trust for Public Land

Tony MacDonald—Coastal States Organization

Nancy Miller—National Coalition of State Historic Preservation Officers

Andrew Minkiewicz, Kevin Smith—Governor Kitzhaber of Oregon

Rindy O'Brien—The Wilderness Society

Beth Osborne—Southern Governor's Association

Bob Szabo—Van Ness—Feldman Law Firm

Russell Shay—Land Trust Alliance

Mark Davis—Coalition to Restore Coastal Louisiana

#### ACTIVELY SUPPORTIVE MEMBERS AND STAFFS

Senator Thomas Daschle—Mark Childress, Eric Washburn

Senator Trent Lott—Jim Ziglar

Senator Bingaman—Minority Energy Committee Staff: Bob Simon, Sam Fowler, David Brooks, Mark Katherine Ishee, Kyra Finkler

Senator Murkowski—Majority Energy Committee Staff: Andrew Lundquist, Kelly Johnson

Senator Mike DeWine—Paul Palagyi

Senator John Breaux—Fred Hatfield, Stephanie Leger, Mallory Moore

Senator Max Baucus—Brian Kuehl, Norma Jane Sabiston, Jason Schendle, Aylin Azikalin, Alyson Azodeh

All democratic colleagues on Energy Committee and Senator Fitzgerald.

Ms. LANDRIEU. Mr. President, I end by saying that sometimes it takes a bold act to receive something on which we can really build. CARA is a bold act.

In a bill with \$15 billion, asking for a few hundred million for States and local governments, a few hundred million for our coastal communities, a few hundred million for wildlife, was not too much to ask. I am very hopeful in the years ahead we can meet the promise of CARA.

I ask unanimous consent to have printed excerpts of editorial support.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### WHY CARA? WHY NOW?

##### EXCERPTS OF EDITORIAL SUPPORT FOR THE CONSERVATION AND REINVESTMENT ACT

"It's a bold approach to environmental conservation and restoration. If ever there were a win-win for all the squabbling factions permanently encamped in the corridors of Capitol Hill to argue about the environment, this bill has to be it." *Seattle Post-Intelligencer*, May 18, 2000.

"The Conservation and Reinvestment Act has the magic to get through Congress in an election year: money for lots of states, creative compromises and an odd-couple pair of sponsors from the right and left."—*Seattle Times*, May 9, 2000.

"Even with the unusual level of bipartisan support that this measure has, it could easily get lost in the last days of an election-

year session. Citizens should press Congress to get it onto the desk of President Clinton, who should sign it."—*Providence (Rhode Island) Journal*, September 19, 2000.

"This measure should be plucked from the pack and made law."—*Los Angeles Times*, September 18, 2000.

"By passing the act, the Senate will demonstrate that in the current prosperity, America is not forgetting its other riches, those bestowed on it by nature."—*San Jose Mercury News*, September 17, 2000.

"As Congress churns through its last days before adjournment, one issue of environmental impact should not be left in the dust: the Conservation and Reinvestment Act, or CARA."—*Chicago Tribune*, September 16, 2000.

"Before adjourning next month, Congress should approve two of the most important conservation bills in many years. One bill, the Conservation and Reinvestment Act, would guarantee \$45 billion over 15 years for a range of environmental purposes, including wilderness protection."—*The New York Times*, September 13, 2000.

"One of the most important and comprehensive pieces of conservation legislation in U.S. history deserves immediate passage by the Senate. It is a bill most Americans have never heard of: The Conservation and Reinvestment Act, or CARA."—*St. Louis Post-Dispatch*, September 11, 2000.

"This is a rare piece of legislation. Its purpose is clear and simple. Its funding is ready. Its public benefit would be immense, and so would its public support, if anyone could hear about it through the blare of electioneering. All it needs is attention by our senators in the next three weeks."—*San Diego Union-Tribune*, September 7, 2000.

"Senators from inland states don't seem to understand why Louisiana and other coastal states should receive the bulk of the environmental money generated by offshore oil revenues. And maybe that's because their states aren't disappearing."—*The (New Orleans) Times-Picayune*, July 18, 2000.

"Back in the '60s, Congress set aside \$900 million yearly from offshore oil revenue for the Land and Water Conservation Fund to finance purchases of important natural beauty spots. But over the years Congress routinely robbed the fund to spend the money elsewhere, and Iowa was routinely shut out when the remainder was divided. CARA restores the fund and adds much more."—*The Des Moines Register*, July 8, 2000.

"This landmark legislation deserves a chance, and it will be a shame if opponents manage to use the clock or unreasonable arguments to kill it. While senators out West worry about the federal government gaining more control over land, those of us who live in Louisiana worry about the acres of coast that are crumbling into the Gulf of Mexico. One fear is speculation, the other is all too real."—*The (New Orleans) Times-Picayune*, September 19, 2000.

"The Conservation and Reinvestment Act is a necessary and sensible measure that would allow our nation to safeguard its natural heritage. It deserves the Senate's support."—*The Tampa Tribune*, July 7, 2000.

"CARA is considered to be the most significant conservation funding legislation any Congress has ever considered."—*Times Daily (Florence, Alabama)*, July 10, 2000.

"The Conservation and Reinvestment Act is a strong and balanced realization of the philosophy that government revenues generated by exploiting natural resources ought to be spent, in large part, on protecting resources elsewhere. That's philosophy that Congress has long honored on paper, and should now put into practice."—*The (Minneapolis) Star Tribune*, July 3, 2000.

"One of CARA's most exciting aspects, in fact, is the ability to focus on smaller

projects than the federal government normally would, including urban green spaces, walkways and small slices of important habitat. For those with visions of a walkable riverfront in Detroit, of selective preservation of natural spots in the path of development, CARA is a dream come true—if the senators controlling its fate will set it free."—*Detroit Free Press*, June 27, 2000.

"The most important land conservation bill in many years is now before the United States Senate, and time is running out."—*The New York Times*, June 27, 2000.

"It's a reasonable, bipartisan way for America to create long-term funding for conserving our natural heritage."—*The (Salem, Oregon) Statesman Journal*, June 14, 2000.

"CARA is a good program that promotes local initiative toward parks, resource conservation and historic preservation. We hope our senators change their positions and give the support it deserves."—*The Idaho Statesman*, June 13, 2000.

"We need to make it clear that we, the American people, want the Senate to pass the most significant wildlife, parks and recreation legislation in over 30 years."—*The Pueblo (Colorado) Chieftain*, June 11, 2000.

"This is a quality-of-life bill for the future, one that holds enormous promise for the protection of dwindling natural and cultural resources. Passage means benefits for the current generation of Americans, and a chance to continue those gains for generations yet to come."—*The Buffalo (New York) News*, May 22, 2000.

"So long as good sense continues to prevail, this legislation may signal the beginning of an era, none too soon, in which environmental impact has a more prominent seat at the table."—*Winston-Salem Journal*, May 19, 2000.

[From the *Kansas City Star*, Oct. 5, 2000]

#### CONSERVATION MONEY

The proposed Conservation and Reinvestment Act, which would transfer millions of dollars from federal off-shore oil leases to financially starved local and state parks and wildlife programs, is in trouble.

Thanks to a deal devised by congressional negotiators on the Interior Department appropriations bill, the House has approved a pale version of the landmark legislation that earlier had been endorsed by two-thirds of the House, more than half of the Senate and President Clinton.

The President has endorsed this inferior agreement, saying that "while we had hoped for even more" he wanted to praise the conservation, wildlife and recreation groups, as well as citizens, who worked so hard for the conservation act.

This is not the time to give up. Despite the apparent bipartisan agreement, this latest version of the Conservation and Reinvestment Act, also known as CARA, should not be the one approved by Congress. It falls far short of the original that has been pushed by conservation groups, cities, counties and states.

Under a strong bipartisan effort, Congress has been on the verge of restoring the money to its rightful uses. Of the \$3 billion CARA would provide, Missouri annually stands to gain \$34.7 million and Kansas \$17.3 million for natural resource preservation and parkland acquisition. Kansas and Missouri cities and counties could use their share of the money to improve state and local parks, purchase land for parks, and other recreational purposes.

The substitute version falls short in the money it would guarantee over the long term. In one example, \$350 million annually for nongame wildlife programs has been cut to \$50 million.

Senate Majority Leader Trent Lott and Minority Leader Tom Daschle have announced their intention to push to restore CARA to its former self. They are backed by the nation's governors, who have sought significant conservation funding for state needs. The original version is the one that should be passed.

Approval of CARA could be one of the most significant victories of this Congress.

Mr. THOMAS. I ask unanimous consent to take the remaining time of the Senator from Arizona, which I believe is 4 minutes.

Mr. BYRD. Would the distinguished Senator allow me to use 5 minutes of my time as the ranking member on the subcommittee?

Mr. THOMAS. Go right ahead.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. I trust that the distinguished Senator will not leave the floor. I hope he will follow me immediately. If he is in great haste, I will be glad to yield to him.

Mr. THOMAS. Go right ahead.

Mr. BYRD. Mr. President, in the short time available before the Senate votes on final passage of the Interior appropriations conference report, I want to again urge my colleagues to support this measure. It is a good compromise that balances the needs of our parks, our forests, our wildlife refuges, and our trust responsibilities to American Indians, against the resources made available to us. That task—the task of reconciling identified needs with limited resources—is not easy.

I am particularly pleased with the level of funding in this bill for fossil energy research. The new power plant improvement initiative, along with the other fossil energy research programs in the Department of Energy, are critical to this nation's energy security. Working to curtail our reliance on imported oil, and ensuring that our current fleet of power plants are efficient and environmentally sound, should be the cornerstone of the next administration's energy policy. I can assure the next president, whomever he may be, that I, for one, am ready to assist in that endeavor.

Mr. President, I also wish to take a moment to thank the chairman of the full committee, Senator TED STEVENS, for his interest in this bill, for his continued support, and for his willingness to work with Senator GORTON and me to ensure that we were able to get to this point. In particular, I am grateful for his help in making additional resources available to the Interior subcommittee. Without those resources, we could not have crafted this bill.

Finally, Mr. President, let me again thank my colleague, the subcommittee chairman, Senator GORTON. He and his staff have truly been a pleasure to work with.

When I talk of staff, let me briefly mention my own staff person, Peter Kiefhaber. I believe this is his first bill, first major bill, to assist me on this

floor throughout the markup, throughout the hearings. He has done a masterful job as a new person in that position. I thank him and I congratulate him.

I yield the floor now. I yield my remaining time to Senator GORTON.

I, again, thank the distinguished Senator for yielding when he had the floor, to allow me to make this brief statement.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. I ask to take the 4 minutes that was available to the Senator from Arizona.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THOMAS. I appreciate the opportunity to visit just a moment on a subject that is very close to my heart and very close to my interests. I am from Wyoming, a State that has open space throughout a great deal of the State. It is the eighth largest State in the United States and still the smallest population. I grew up near Yellowstone Park. Those are things I feel very strongly about.

I want to do two things—one, to comment on the good proposal of the Senator from Louisiana and her passionate defense of it. I understand that. I respect that a great deal. There are some things that are disadvantageous about CARA that we have talked about. One, of course, is the idea it makes it mandatory spending for 15 years. This is an entitlement. As we look at our budget now, about a third of our budget is up to the Congress to allocate. The rest of it is entitlements.

I came from serving in the Wyoming Legislature where the legislature now only has control over 25 percent of the dollars. I think that is a dangerous position, and entitlements become a real problem.

Also, as we look toward the land acquisition, there are a number of things we need to be concerned about in this year's budget. From this administration, there was more interest on the purchase plan than the maintenance plan. We have 379 parks in this country, most of which are in desperate need of infrastructure help, but it seems as if the more popular thing to talk about is the acquisition of more land. Fifty percent of my State belongs to the Federal Government; 85 percent of Nevada in the west along the Rocky Mountain area, most of the land now belongs to the Federal Government.

We asked in committee if we could have some kind of protection in this allocation of CARA of \$45 billion, that we would not have any more Federal land; that, indeed, if Federal lands were to be purchased, we would have an opportunity to dispose of some Federal land so there would be basically no net gain. It seems to me that is reasonable. The supporters of CARA were not willing to talk about that.

In conclusion, I think there is a great deal of merit in the bill before the Senate. It isn't, of course, what everyone

wants. There are more expenditures to it than some like. It does reflect help however, for the losses that were incurred because of the forest fires—6.6 million acres in the West burned this year and the costs associated and the losses associated there.

I am going to support this bill. I am pleased. I thank the chairman for his good work in getting this bill before the Senate.

I will comment on the fact that not only in this bill but in a number of bills there are authorizations for things I think are inappropriately authorized in appropriations bills. In this bill there are some parks, for example, and set-asides which certainly ought to come from the authorizing committee, not from the Appropriations Committee.

I understand what happens. We get toward the end of the year, and there are things there, people want something to happen and we are in danger of having a lot of that happen in the next week or so. I hope it does not. We have a system where there is an authorization and there is an appropriation.

I don't think anyone in this place is more anxious to have dollars available to do something with conservation, to do something with preservation, to do something with easements, to do something with maintenance of the land we already have, but I think we have to make sure those bills, indeed, have the composition that makes them the kinds of things that we need to have in this Congress and that is to have them authorized yearly or at least in shorter spans than 15 years.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, before I make some general remarks, I will respond to the three—and I think there have only been three—critics of this bill.

For the better part of 3 days, the Senate has indulged in the remarks of the Senator from Illinois over one item out of many hundreds in this bill. Normally speaking, items such as the Lincoln Library are included in bills such as this because the Senators from the States concerned believe they are important and because we believe they are reasonable national priorities. I think I can assure the Senator from Illinois and the body that, had I known we were going to go through this process, there would have been no money for this project in this bill at all. It may very well be there will be no more tomorrow.

I do think a library for Abraham Lincoln's papers in Springfield, IL, is an appropriate project. The State of Illinois and various local entities and individuals are providing the great majority of the money that is going into that project. The Senator from Illinois has engaged in a filibuster, required the vote of 89-8 on cloture, all over the bidding practices with respect to the way in which that project is under-

taken, as to whether or not they ought to be Federal bidding practices or the State of Illinois' bidding practices—bidding practices of the State of Illinois that I believe he had something to do with creating while he was a member of the legislature of that body.

Even under the bill as it appears here, the Secretary of the Interior has the authority to review the design, method of acquisition, and the estimated cost, and can deal with anything that the Secretary believes to be untoward in this entire question. But I have to say that to spend 3 days of the time of the Senate on this internal dispute involving Members of Congress and others from the State of Illinois was an imposition on the time of the Senate at any time, but especially when the Senate is attempting to finish many important bills of which this is one, but only one. We will go forward with it at this point. We will pass the bill at this point. I believe the President of the United States will sign it at this point. But I can certainly not remember any other instance in which a Member from a State that is getting a benefit from the bill has looked so carefully at the teeth of a gift horse.

The second question I raise is about some of the criticisms from my good friend, the Senator from Arizona. He complains about money in this bill for carriage barn rehabilitation at the Longfellow National Historic Site. That is a national park site. That is the very kind of thing that we must rehabilitate. Henry Wadsworth Longfellow, when he lived at his place, had a carriage barn. I don't know whether the Senator from Arizona feels we should let it fall down, but my own view is our first duty is to maintain the national park sites that we have at the present time. The Senator from Wyoming has just referred to that. How that constitutes pork, or a reason to vote against this bill, is, I must say, beyond my understanding.

He complains about dollars for the southeast Alaska disaster fund that he claims were not included in either the House or the Senate bill. In fact, they were included in the Senate bill under a different account number.

He complains about \$30 million for site-specific earmarks or emergency funds, one quarter of which turn out to be—slightly more than one quarter—for hazardous fuels reduction activities carried on by Northern Arizona University.

When I was on the floor, he was complaining about the rehabilitation of a fish hatchery in White Sulphur Springs, WV, which was requested by my good friend and colleague, the Senator from West Virginia. Again, I am puzzled why it is we should not provide such office rehabilitation at a site that is a specific function of the people of the United States.

In other words, I don't find those criticisms to have any particular merit whatsoever. This is our business. It is the business of this bill to see to it

that the lands and historic sites and facilities of the United States of America are properly maintained. I think one of the great shortcomings, one of the overwhelming shortcomings that we have had in the last few years is that we have not been maintaining these sites to the extent they ought to be maintained. One of the goals, which I have accomplished in this bill, is to increase the amount of money for that maintenance, both in the regular bill and in this supplement to this bill that is the third item of controversy here today.

This bill is criticized by the Senator from Louisiana as not including the full authorization for the so-called CARA bill, the Conservation and Reinvestment Act. She is certainly correct; it does not. That bill is an almost \$3-billion-a-year entitlement for some 15 years, the net result of which is that the items included in it are deemed to be more important, should that bill pass the Congress of the United States, than saving the Social Security system, than education, than health care, or any of the other items for which we appropriate every year. In my view, it is utterly inappropriate as an entitlement that automatically comes off the top, before all the other priorities of the people of the United States.

On the other hand, many of the items preferred in that CARA legislation are highly worthy items, items for which this subcommittee chairman is delighted to have what now amounts to a greater authorization. Many of them will be more liberally funded in the future as a result of the proposals that are a part of this bill now.

It is said—it was said in that criticism—that this bill sends all the money through the Federal bureaucracy rather than CARA sending it directly to the States. First, it doesn't send all the money through the Federal bureaucracy. Many of these programs are existing programs that result in formula grants to the States, and others are competitive grants to the States. At this point, the Congress can, through its authorizing committees, change the distribution formula for any one of these programs, either to make them more direct or more focused. CARA, of course, doesn't send all its money directly to the States, either. It does include large amounts for payment to coastal States but they are for new programs which are not even authorized at this point and will not be unless some bill of that nature is passed.

Second, this is criticized by some conservatives for not providing protections for private property. The Interior bill funds currently authorized programs. It doesn't authorize them; it funds currently authorized programs and therefore, by definition, includes every protection for private property that exists in any one of those authorizing laws. If there are shortcomings in this field, it is not the fault of the Appropriations Committee but of the very

authorizing committee that presented CARA to us in the first place.

For Federal land acquisitions that are funded by this CARA-lite, in future years everyone is going to be subject to the same process as is used at the present time. They are all going to go through appropriations committees. I can assure my colleagues, I cannot think of a case where this committee has approved a project that did not have the support of the relevant Members of Congress, except maybe for this one in Illinois, which has been the subject of debate for some 3 days. So that objection is simply not valid.

It is also pointed out this bill does not provide States and local governments with a predictable funding stream. You bet your life it does not, and it was not so designed. Why should we give a predictable funding stream for grant programs to State and local governments in precedence to the very programs for which we are directly responsible? We do not have a fully predictable or legally enforceable funding stream for schools. We don't have it for most of our health care programs. We don't have it for research and development programs. We don't have it for a wide variety of the programs that are subject to debate every year. It is just for that reason that we do not have it. They should be subject to debate and revision with respect to priorities every year. That is why we have a Congress.

On the other hand, this new title does provide a decidedly increased likelihood that these grant programs will be sustained and will increase in future years.

What this bill does is to say that if you do not spend this money on the programs outlined in this bill, you cannot spend it on something else, but it will go to reducing the national debt. It is only a couple months. Members on both sides of the aisle vociferously were saying that a reduction of the national debt was the most important single economic activity in which we could engage. Chairman Greenspan was quoted constantly on the floor of the Senate. We forgot that when some decided we needed these "predictable funding streams," that is to say, entitlements which come directly out of debt reduction.

I have never been able to see the logic of a 15-year guaranteed funding stream that could not easily be adjusted if the programs were ineffective or if we went into economic times in which there were higher priorities.

Those are some of the critiques of the particular proposal, additional portions of which are likely to be included in the appropriations bill for Commerce-State-Justice, particularly the oceans portions of it which will be debated later.

Finally, Senator GRAHAM from Florida criticized the bill for not providing adequate funds for national parks. While CARA would have guaranteed an extra \$100 million per year for the Na-

tional Park Service—Mr. President, I am allowed to take time from Senator STEVENS.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. The answer is, of course, CARA did not either. CARA gave money to the National Park Service above the line but not below the line, and very likely future Congresses will simply reduce the discretionary portion of that account by the amount guaranteed in CARA itself.

It was at my insistence that this CARA-lite does include an item, I believe \$150 million a year, for national park maintenance. I think that is one of the most important elements of the bill itself.

The vote on cloture indicated the broad support for this bill, as did the overwhelming bipartisan vote in the House of Representatives. For that overwhelming bipartisan support, I owe particular thanks to Senator BYRD for helping me in developing the conference agreement and shaping it in a way that merits the support of Members on both sides of the aisle. His new staff minority clerk, Peter Kiefhaber, has been a tremendous asset during the course of his first year. He has been ably assisted by Carole Geagley of the minority staff and Scott Dalzell, who has been with us on detail from the U.S. Fish and Wildlife Service.

I thank my own exemplary staff: Bruce Evans, who is sitting here with me, Ginny James, Leif Fonnesebeck, Christine Drager, and Joe Norrell, as well as our detailee, Sheila Sweeney, and Kari Vander Stoep of my personal staff. All have also worked so many hours on this bill that I do not dare count them for fear of feeling ashamed. They have worked extremely hard, but they have been successful and have every reason to be gratified with their work.

I note for the record this is the last year in which I will be privileged to work with my counterpart chairman, Congressman RALPH REGULA from the House of Representatives. He will have another subcommittee next year, and I tell you, I will miss him. I have never dealt with anyone in this body or in the other body with whom I have had a more positive and affirmative, constructive working relationship, often with a great many laughs because of his marvelous sense of humor. RALPH REGULA will have left a substantial legacy of increased priority for the maintenance of our Federal lands and facilities and a great approach in a matter of principle.

In summary, this is a popular bill that has every right to be popular because it meets with many of the needs of deferred maintenance for past neglect. It has many projects in it that are of great importance to Members on both sides of the partisan divide in this body and our significant national priorities as well, and will get us through another year with respect not just to these natural resources used in energy



research and cultural institutions in the United States but in a way I think worthy and which I recommend heartily to my colleagues.

The PRESIDING OFFICER. All time is yielded back.

Mr. GORTON. Have the yeas and nays been ordered?

The PRESIDING OFFICER. They have not.

Mr. GORTON. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the conference report. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Vermont (Mr. JEFFORDS) is necessarily absent.

Mr. REID. I announce that the Senator from California (Mrs. FEINSTEIN), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KENNEDY) would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 83, nays 13, as follows:

[Rollcall Vote No. 266 Leg.]

#### YEAS—83

Abraham	Durbin	Mikulski
Akaka	Edwards	Miller
Allard	Enzi	Moynihan
Ashcroft	Frist	Murkowski
Baucus	Gorton	Murray
Bayh	Grams	Nickles
Bennett	Grassley	Reed
Biden	Gregg	Reid
Bingaman	Hagel	Robb
Bond	Harkin	Roberts
Boxer	Hatch	Rockefeller
Bryan	Hollings	Roth
Bunning	Hutchinson	Santorum
Burns	Hutchison	Sarbanes
Byrd	Inouye	Schumer
Campbell	Johnson	Shelby
Chafee, L.	Kerrey	Smith (OR)
Cleland	Kerry	Snowe
Cochran	Kohl	Specter
Collins	Kyl	Stevens
Conrad	Lautenberg	Thomas
Craig	Leahy	Thompson
Crapo	Levin	Thurmond
Daschle	Lincoln	Torricelli
DeWine	Lott	Warner
Dodd	Lugar	Wellstone
Domenici	Mack	Wyden
Dorgan	McConnell	

#### NAYS—13

Breaux	Gramm	Sessions
Brownback	Helms	Smith (NH)
Feingold	Inhofe	Voinovich
Fitzgerald	Landrieu	
Graham	McCain	

#### NOT VOTING—4

Feinstein	Kennedy
Jeffords	Lieberman

The conference report was agreed to.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

#### MORNING BUSINESS

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Sen-

ate now be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### THE HEATING OIL RESERVE

Mr. MURKOWSKI. Mr. President, I think Senator DOMENICI will be seeking recognition. First, I want to take 2 minutes to alert my colleagues to what I think is a very significant issue.

Much has been made of late about the status of the Strategic Petroleum Reserve and the recommendation by Vice President GORE that we withdraw 30 million barrels out of the SPR so we can build up our heating oil reserve. Let me tell you what is happening to that.

The administration forgot a very important detail when they put that oil up to bid for the refiners. They didn't mandate that the crude oil be refined into heating oil or that it be used to build inventories here in the United States for the benefit of the Northeast States that need that heating oil inventories built up.

What will happen to the crude oil or refined product? It will go into the marketplace, and it is going to Europe because Europe is paying a higher price for heating oil than the United States. Currently, 167,000 barrels a day of distillate is exported.

Let me tell you what came out of the Houston Chronicle, and I quote:

The buyers can do what they wish with the oil, such as sell or swap it, said Department of Energy spokesperson Drew Malcomb, although whoever ends up with the oil has to get it out of storage by the end of November.

The extra crude won't result in any additional heating oil because all the heating oil facilities already are operating at maximum capacity, Brown said.

There you have it. You have an administration that said we had an emergency, we had to go into SPR, address our heating oil situation, while sending a message to the Mideast that we are reducing our savings account. Then we find we may not build up our domestic heating oil inventories at all with this oil, it is going up for sale into the market and ending up in Europe because the administration didn't mandate that if you bought the oil, you had to keep it here in the United States.

Senator STEVENS and I have experienced some demands relative to our inability to move our oil out of our State.

It is inconsistent to me that the administration could make such a poor business deal. We have not accomplished anything with SPR. We have simply increased our exports of heating oil. I think it is a charade.

I thank my colleague from New Mexico. But I did want to call that to your attention.

Mr. President, I ask unanimous consent to have printed in the RECORD an article from the Houston Chronicle entitled "Oil from Reserve in High De-

mand" and two tables on distillate exports.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OIL FROM RESERVE IN HIGH DEMAND—  
BIDDERS GRAB 30 MILLION BARRELS

(By Nelson Antosh)

Trading companies and refiners looking for a good deal on crude have snapped up all 30 million barrels that the federal government is releasing from the Strategic Petroleum Reserve.

The Energy Department announced Wednesday that 11 companies, some of them with names little known even within the industry, had submitted the best bids for the oil being held underground in Louisiana and Texas.

The buyers in effect promised to return to storage 31.56 million barrels between August and November of next year, thus paying a premium of about 5 percent.

But by using the futures market, the successful bidders will be able to pay back with oil cheaper than what it is today, even if the real market price for crude may be higher by then.

"A good transaction for value," said Mary Rose Brown of Valero, a San Antonio-based company that will be refining its federal crude. The difference between Wednesday's futures and the payback cost is \$3.25 per barrel, she said.

The futures price for next October is \$28.53, said Kyle Cooper of Salomon Smith Barney in Houston, who reasons that all the reserve sale does is "move around crude."

In contrast to next October, the sweet crude contract for next month settled Wednesday on the New York Mercantile Exchange for \$31.43 per barrel.

The buyers can do what they wish with the oil, such as sell or swap it, said DOE spokesman Drew Malcomb, although whoever ends up with the oil has to get it out of storage by the end of November.

Valero will be taking 1 million barrels of sour crude from the Bryan Mound storage site near Freeport and splitting it between its refineries in Texas City and Freeport.

That crude will be co-mingled with other supplies and be made into a full range of products, including gasoline.

The extra crude won't result in any additional heating oil because all the heating oil facilities already are operating at maximum capacity, Brown said. Valero even shifted some of its distillate output at a New Jersey refinery from premium-priced jet fuel into home heating oil.

"The product will go where the market is," said Malcomb, although he said his agency would prefer that it be refined into heating oil and be shipped to the Northeast.

Vitol, a trading company in Houston that also owns a refinery in Canada, will get 1.05 million barrels of sweet crude out of a storage site in Louisiana and 550,000 sour barrels out of Bryan Mound.

The company will apply for an export license, but logically it is a better value if sold along the Gulf Coast, said a Vitol employee who preferred not to be identified.

Marathon Ashland Petroleum LLC, a Houston-based venture that is a major refiner, was the high bidder on 2.4 million barrels of sour crude and 1.5 million barrels of sweet crude.

The DOE did not release the amounts that individual companies promised to return to the reserve, because that could influence any future sales.

Morgan Stanley Dean Witter of New York was the high bidder on 2 million barrels.

Lesser known names were Euell Energy of Aurora, Colo., which was the high bidder on



3 million barrels, Burhany Energy Enterprises of Tallahassee, Fla., also with 3 million barrels, and Lance Stroud Enterprises of New York with 4 million barrels.

Equiva Trading, which is a Houston-based alliance between Shell and Texaco, will get 2.5 million barrels. A spokesman could not be reached late Wednesday.

Elf Trading, also based in Houston, is getting 1 million barrels.

The largest quantity, 6 million barrels, was won by BP Oil Supply Co., in Warrenville, Ill.

"Every barrel we can get into the market in the next few weeks reduces the risk of a shortage of heating oil and diesel fuel this

winter," said Secretary of Energy Bill Richardson in a news release. "This is good for consumers and good for our nation's long-term security."

Some have criticized releasing oil from the Strategic Petroleum Reserve as a political ploy to get more votes in the Northeast, where heating oil is widely used.

TABLE 5. U.S. YEAR-TO-DATE DAILY AVERAGE SUPPLY AND DISPOSITION OF CRUDE OIL AND PETROLEUM PRODUCTS, JANUARY-JUNE 2000

(Energy Information Administration/Petroleum Supply Monthly, August 2000; in thousand barrels per day)

Commodity	Supply				Disposition				
	Field production	Refinery production	Imports	Unaccounted for crude oil <sup>a</sup>	Stock change <sup>b</sup>	Crude losses	Refinery inputs	Exports	Products supplied <sup>c</sup>
Crude Oil .....	E 5,851		8,655	432	64	0	14,787	87	0
Natural Gas Liquids and LRGs .....	1,956	754	204		59		357	83	2,414
Pentanes Plus .....	307		28		6		133	4	192
Liquefied Petroleum Gases .....	1,649	754	176		53		225	79	2,222
Ethane/Ethylene .....	746	29	23		6		0	0	791
Propane/Propylene .....	549	597	124		8		0	60	1,201
Normal Butane/Butylene .....	163	121	13		34		120	19	125
Isobutane/Isobutylene .....	191	7	17		6		105	0	105
Other Liquids .....	177		642		63		807	47	-98
Other Hydrocarbons/Oxygenates .....	339		62		4		367	30	0
Unfinished Oils .....			348		23		427	0	-102
Motor Gasoline Blend. Comp .....	-162		231		37		16	16	0
Aviation Gasoline Blend. Comp .....			0		-1		-3	0	3
Finished Petroleum Products .....	218	16,146	1,282		70			775	16,801
Finished Motor Gasoline .....	218	7,842	347		76			109	8,223
Reformulated .....		2,533	176		5			1	2,703
Oxygenated .....	561	107	1		-1			1	669
Other .....	-343	5,202	170		71			107	4,851
Finished Aviation Gasoline .....		17	(s)		-1			0	19
Jet Fuel .....		1,570	129		22			27	1,650
Naphtha-Type .....		(s)	2		(s)			(s)	2
Kerosene-Type .....		1,570	127		22			27	1,648
Kerosene .....		58	3		-10			1	70
Average exports per day:									
Distillate Fuel Oil .....		3,414	274		-97			152	3,634
0.05 percent sulfur and under .....		2,364	139		-1			35	2,469
Greater than 0.05 percent sulfur (Heating oil only) .....		1,049	136		-96			117	1,164
Residual Fuel Oil .....		657	212		7			141	721
Naphtha For Petro. Feed Use .....		164	104		(s)			0	268
Other Oils For Petro. Feed use .....		203	154		(s)			0	357
Special Naphthas .....		102	11		-1			21	94
Lubricants .....		187	14		-1			27	174
Waxes .....		15	2		(s)			3	14
Petroleum Coke .....		704	1		1			289	416
Asphalt and Road Oil .....		508	29		75			4	458
Still Gas .....		652	0		0			0	652
Miscellaneous Products .....		53	(s)		(s)			(s)	53
Total .....	8,201	16,900	10,783	432	256	0	15,952	992	19,117

<sup>a</sup> Unaccounted for crude oil represents the difference between the supply and disposition of crude oil. Preliminary estimates of crude oil imports at the National level have historically understated final values by approximately 50,000 barrels per day. This causes the preliminary values of unaccounted for crude oil to overstate the final values by the same amount.

<sup>b</sup> A negative number indicates a decrease in stocks and a positive number indicates an increase in stocks.

<sup>c</sup> Products supplied is equal to field production, plus refinery production, plus imports, plus unaccounted for crude oil, minus stock change, minus crude losses, minus refinery inputs, minus exports.

(s) = Less than 500 barrels per day.

E = Estimated.

LRG = Liquefied Refinery Gas.

— = Not Applicable.

Note: Totals may not equal sum of components due to independent rounding.

Sources: Energy Information Administration (EIA) Forms EIA-810, "Monthly Refinery Report," EIA-811, "Monthly Bulk Terminal Report," EIA-812, "Monthly Product Pipeline Report," EIA-813, "Monthly Crude Oil Report," EIA-814, "Monthly Imports Report," EIA-816, "Monthly Natural Gas Liquids Report," EIA-817, "Monthly Tanker and Barge Movement Report," and EIA-819M, "Monthly Oxygenate Telephone Report"; Domestic crude oil production estimates based on historical statistics from State conservation agencies and the Minerals Management Service of the U.S. Department of the Interior. Export data from the Bureau of the Census and Form EIA-810, "Monthly Refinery Report."

#### THESE ARE B-B EXPORTED—AMERICAN PETROLEUM INSTITUTE, ENERGY INFORMATION ADMINISTRATION

Date	Distillate <sup>1</sup>
January 1998 .....	133
February 1998 .....	79
March 1998 .....	129
April 1998 .....	186
May 1998 .....	121
June 1998 .....	149
July 1998 .....	161
August 1998 .....	150
September 1998 .....	107
October 1998 .....	75
November 1998 .....	54
December 1998 .....	145
January 1999 .....	117
February 1999 .....	116
March 1999 .....	159
April 1999 .....	191
May 1999 .....	187
June 1999 .....	180
July 1999 .....	123
August 1999 .....	130
September 1999 .....	162
October 1999 .....	192
November 1999 .....	170
December 1999 .....	212
January 2000 .....	132
February 2000 .....	112
March 2000 .....	211
April 2000 .....	178
May 2000 .....	127
June 2000 .....	149
July 2000 .....	132
August 2000 .....	168

<sup>1</sup> Distillate fuel exports (Mbl/d), heating oil and diesel.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I understand I have up to 20 minutes as if in morning business.

The PRESIDING OFFICER. Ten minutes.

Mr. DOMENICI. I ask unanimous consent for up to 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. I understand Senator SESSIONS would like to follow me with 5 minutes, if there is no objection.

Mr. REID. Mr. President, reserving the right to object, the Senator from New Mexico wishes to speak for how long?

Mr. DOMENICI. Up to 20 minutes.

Mr. REID. We have the Senator from Alabama, and we have Senator BRYAN who wishes 10 minutes. I ask that, using normal procedure, we have a Republican and a Democrat. I ask that Senator BRYAN be the last speaker for up to 10 minutes.

Mr. DOMENICI. Mr. President, I assume we need Senator SESSIONS' concurrence.

Mr. SESSIONS. That is all right with me. I respect that. Senator BRYAN will be the last. I defer to him.

Will the Senator to him the agreement? The Senator from New Mexico has 20 minutes, Senator BRYAN has 10 minutes, and I have 5 minutes.

Mr. REID. That is correct.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

#### TAX RELIEF PROPOSALS

Mr. DOMENICI. Mr. President, I put a little editorial up here, and I hope I made it big enough that those who photograph what we talk about here can see it.

I want to read this paragraph in yellow, and I want to speak to Vice President GORE's constant harping about the 1 percent of the American taxpayers getting too much of a tax break.

I would like to do that for about 10 or 12 minutes.

But first, let me suggest to the middle-class American people who have been waiting for a tax cut that if you elect Vice President GORE, you can wait perhaps forever because, as this editorial says, he might say over and over and over—maybe as many times as he said “1 percent” the other night—that he is for middle-income Americans getting a tax break.

But this is the Washington Post—not the Washington Times or the Albuquerque Journal—that says:

If Mr. Gore believes middle-class people need a tax break, he might better give them one—and let them decide how to spend the money. If he believes the Government should do more to promote education, he could do so more effectively with truly targeted spending programs rather than with tax credits that, for example, go to those who could and would pay for tuition in any case along with those who need the help. But for political reasons, the Democrats, as in 1992 and 1996, believe they need to cloak their programs in the language and form of tax cuts. One result would be an ever more complex Tax Code.

The truth of the matter is that the Vice President of the United States spoke the other night about the unfairness of the tax proposals of George W. Bush.

I just want to start by correcting one thing for sure. There are no middle-income tax cuts in Vice President GORE's proposal—the last time he spoke to it, the second time he spoke to it, and the time he sent us an 81-page budget. There are no middle-class tax cuts. Why? Because he chooses to say to the American people: If you do this with your money, you get a credit; if you do that with your money, you get a credit.

But for those who do not do this or that because they don't have any children to put in day care or they don't have any of the other things they need that he wants to give them tax credit for, the overwhelming percentage of the middle class gets zero.

That is maybe what we ought to be talking about whenever he says 1 percent. Perhaps we ought to say middle-class people, zero; middle-class Americans, zero—maybe 16 times, as he did the other night in referring to “1 percent.”

Having said that, I want to talk about the progressive taxes the American people pay and the progressive system we live under because I believe there are millions and millions and millions of Americans who have not been told what our Tax Code is and have not been told what George W. Bush's tax proposals would do. Let me try that for a few minutes.

I just told you what the Washington Post said about his tax proposals. In essence, even when he chooses to help—that is, the Vice President—the middle-class Americans, he chooses, I say to my friend from Alabama, to tell them how to spend the tax cut.

That is the essence of the difference between the across-the-board cut of

George W. Bush and the Vice President, although he has much less on the tax side, in any event—the Vice President—but he chooses to say: Mr. and Mrs. America, I don't want you to have a \$1,500 tax cut if you are making \$60,000 or \$50,000. What I want you to do, if you want to take advantage of what I want you to do, if you do one of these five or six things as we have said, you will get a tax break.

If you are Mr. and Mrs. America, you might say: I don't need any of those taxes. Why don't you just give me my money and let me spend it?

That is one of the very big differences between the two parties at this point, as indicated by this editorial.

In 1992 and 1996, Vice President GORE again chose in behalf of his colleagues to say: We want to give you a tax cut, but do not misunderstand; you have to use it our way or you don't get it.

Is there anybody in America who thinks a tax cut should be used only the way the Federal Government wants them to use it? I don't think they even understand a tax cut to be that. But you can rest on it, that is what he is talking about—not a single middle-income tax cut—zero. I repeat.

I would like to talk a little bit on what has happened to the Tax Code of the United States.

Mr. President and fellow Senators, we have the fairest and most progressive Tax Code any country has ever lived under. Let me tell you what it does today.

If anyone wants one of these, I will gladly give them one. The Internal Revenue Service gives us the information, and the Joint Committee on Taxation, which is a combined committee, gave us this information.

Let me talk about the 1 percent.

Fellow Americans, 1 percent of the taxpayers of America—1 percent—currently pay a shocking 33 percent of the taxes.

Let me repeat, Mr. President. On the income tax side, the top 1 percent of Americans pay 33 percent of the taxes that America collects from income. They are rather wealthy. They make \$250,000 and over, and 1 percent pays 33 percent of the taxes.

Let me right off the bat give you an astonishing number. If you are to adopt George W. Bush's across-the-board tax cut, guess what percent the top 1 percent will pay then? Remember I said, right now under our very progressive code, they pay 33 percent of all the taxes we collect.

I say to my friend from Alabama, it is a startling revelation. After we cut everybody across the board, as George Bush suggests, the top 1 percent will pay 34 percent total taxes. In other words, their portion of the total taxes will go up 1 percent, not come down. Isn't that interesting?

So everyone understands who is rich and who isn't and who pays a lot of taxes and who doesn't, let's talk about the top 10 percent of taxpayers. Most

people watching and most people visiting are in that bracket because the top 10 percent of the taxpayers are people earning \$79,000 or higher. How much of the total taxes collected by America from income does the top 10 percent pay? I am sure, unless someone has studied it, in your wildest guess you will not conclude this. Sixty-seven percent of the income taxes collected come from the top 10 percent of the people in this country who are earning \$79,000. Imagine.

Can anyone imagine a fairer system if you want to tax people who earn money than to have 1 percent of the population that makes substantial money pay 33 percent of the taxes, and the top 10 percent of 79 and higher pay 67 percent? Frankly, it is obvious to me our Vice President is, once again, running on an issue that has been tried before, and we are very grateful as a nation that it has never worked. He is practicing the art of class warfare. He wants to make sure Americans do not trust the capitalist system where people might make more money, one versus another, depending on what they are doing, what they have invested in, and for what they have taken a risk. He wants to make the issue that the top 10 percent, which pays 33 percent of the taxes, does not deserve to be looked at when we look at cutting taxes for Americans.

I am quite sure that sooner or later the American people are going to catch on that everybody who pays taxes gets a tax break. So nobody will have a misunderstanding, if you don't pay taxes, you don't get a tax break. I think that is pretty fundamental. There are many millions of Americans working for a living who do not pay any U.S. income tax. Right off the bat, when you speak about giving other people who are earning less tax breaks, we have to understand a very large percentage of Americans don't pay any taxes. They may think they are paying a lot because they are paying Social Security taxes, and neither candidate is recommending, from what I can tell, that we dramatically reduce the Social Security—other than George W. Bush saying let's investment 2 percent. Otherwise, I haven't heard anybody saying that onerous Social Security tax is the one that ought to be fixed.

Let me repeat, when the tax plan is in place under Mr. Bush, the top 1 percent will pay \$4 trillion in taxes when we have finished the tax across-the-board cut. Let's give that again: That top 1 percent will pay \$4 trillion in income taxes, and it will be 34 percent of the new income taxes that we are taking in.

What will that \$4 trillion buy that 1 percent of Americans are paying in taxes? It will buy all of the following: All of our defense programs, welfare, food stamps, child nutrition, State child health insurance. We just picked some programs. That top 1 percent will pay for all of that out of what they pay in income taxes.

If Mr. GORE continues to refer to this top 1 percent as public enemy No. 1, then I can only say that the top 1 percent are high-income folks; the top 10 percent earn \$79,000 and above. One group pays 33 percent of the taxes; and the other group pays 67.

What should we do? Should we say because they pay 67 percent of the taxes but they make \$79,000 or more they should get no tax reduction? If you are going to have a tax reduction because you have a giant surplus, let's be fair and say the American Tax Code is fair. We ought to continue to be fair, leave it as fair as it was, but make sure we understand the top 10 percent deserve some tax relief, since they are paying 67 percent of the tax.

Let me also suggest that the bottom rung of wage earners and taxpayers in America—so there is no misunderstanding about my progressivity comment that we have a progressive code—the bottom 50 percent pay 4 percent; the bottom 50 percent of our earners pay 4 percent of the taxes of America.

I think we have a pretty fair system. In fact, it is very heavily skewed towards those people making \$79,000 or more. But George Bush, from what I can analyze, intends to leave it the same. It will come out like it is in terms of progressivity, excepting that those in the top 1 percent, by a coincidence of reducing the total tax take, will end up paying 34 percent instead of 33—even if we give them a tax break.

I do believe it is rather authentic when the Washington Post says to Vice President GORE, if you want to give the middle income a tax cut, give it to them. Don't tell them what they must use it for in order to get a tax credit or tax break. That is not very American. Why should the Government tell wage earners, people who are making money in the American system, what they must do with their income if they want a tax break? I thought if you were going to give it back, you would give it back to them so they can spend it.

I will discuss another issue, Mr. Vice President. I don't come today to the floor to talk about the case of the schoolgirl in Florida who had to stand for one of her first days of classes this fall because \$150,000 worth of computers had yet to be unboxed. That is one of the statements made by our Vice President in his debate. It is now, today, authentic, that is not a true statement. The people from that school and that school district have denied it. I think by this hour the Gore campaign has said it is a mistake.

The Vice President said essentially in his own words that the analysis of his budget from the budget experts who work for this Senator, the chairman of the Budget Committee, although they happen to work for me, what they produced as the estimate of the cost of his budget ideas would use up the entire surplus and \$700 to \$900 billion of the Social Security surplus. He said something like, it is not worth the paper.

I have analyzed with this same staff many budgets. They have come out as

right as anyone around. They said before the Vice President put his entire package together, that if every single program he advocates would get funded—it is 200 or more new programs—there will be between 20,000 and 30,000 new Federal employees.

Incidentally, when the Vice President takes great credit for shrinking the Government and says we have reduced the number of people working for the Government, it would be good to note that 90 percent of the shrinkage of Federal employees is because the military was reduced. Between 85 and 90 percent of that entire personnel reduction is from military reductions.

But let's get back to this. That budget staff said there are 200 new programs in the Vice President's ideas for America. They also suggested to me it is a new era of big government, excessive government, and obviously huge increases in what government will do.

I laid that before the Senate in this report. It is as correct today as it was then. And, indeed, we have now seen Vice President GORE's plan all in one package. They reanalyzed it and said their original estimate is right, that he would have to spend the surplus to pay for his entire budget. We will have that report next week in an edition similar to this one, in which each program is analyzed and we tell the American people either the Vice President is suggesting myriad programs he does not intend to do or intends to do less than he said because if he is going to do what he says in his last written proposal, you cannot do those programs without spending all of the surplus and part of—not all of it but part of the surplus that belongs to Social Security.

I close by saying the Vice President Tuesday night talked a lot about the lockbox. Isn't it amazing that Democrats, including the Vice President, talk about the lockbox as if they invented it; they pursued it; they are the ones who really advocated it and kept it alive. I want to say this is one time when Senator DOMENICI has to say: That is not true. It came out of the Budget Committee and I was the first Senator to suggest it. The proposal I suggested has never been voted on to this date because it is a real lockbox. It really makes it tough to spend either Social Security—and if you want to use the same format for Medicare, that is fine. But let's get it straight. We have been trying to get a lockbox passed up here from our side. Whatever we propose is either too strict, too rigid, doesn't have enough flexibility for the Treasury Department, or something. But let's make sure everybody understands we started the idea; we pursued it with great vigor. It is now part, I believe, of what we believe. Whether we get it passed or not, in our form, I believe everybody around here is going to be frightened to death if a Budget Committee says: Hey, this budget is spending Social Security surplus money. I believe we have that ingrained in our minds because the public expects it.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, before the Senator from Nevada takes the floor, I ask unanimous consent following the Senator from Alabama, Senator DURBIN be recognized for a half hour in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Nevada.

Mr. BRYAN. Mr. President, this morning's Washington Post features an article entitled "Iverson's Bad Rap Is Well-Deserved."

It is a story about one of the Nation's high-profile National Basketball Association stars who is about to release a rap CD that encourages gun violence, degrades women, and blatantly bashes people because of their sexual orientation. The National Basketball Association, the Philadelphia 76ers, his team, Mr. Iverson's record label, his coach, and every fairminded person should condemn this kind of so-called entertainment for the trash that it is. Clearly, these are not the kind of messages that one of the NBA's leading and most talented players should be sending to tens of thousands of kids who watch him play and may idolize him.

I fully respect Mr. Iverson's first amendment rights, but clearly the message he is sending encourages violence and implicitly condones it, hardly the kind of conduct one would expect from a celebrity whose conduct is admired by many of the Nation's youth.

What makes this particularly objectionable is the fact that Mr. Iverson and many of his other incredibly talented colleagues in the NBA are specifically marketed by the NBA itself as superheroes to our kids. The NBA is ultimately in a business to make money, and that is fine. They use their stars to promote their teams. But one would hope the NBA would exercise good judgment in choosing the athletes they select to promote because many of these athletes use their stardom to, again, promote themselves and to use that same kind of marketing appeal. And when the message, as in this case from Mr. Iverson, is both hateful and dangerous and is absorbed by all too many of our Nation's youth, it is a vicious cycle that the NBA should end immediately.

The NBA has the power to pick and choose which athletes they are going to market and promote. They should exercise sound judgment and discretion before encouraging this kind of promotion and the reprehensible message it sends.

A few weeks ago I joined with many of our colleagues, both in committee and on the floor, in condemning some of the media produced in Hollywood, some of the videos, some of the violence that so often invades the Nation's television audience. We should also condemn this kind of conduct as well. When the NBA promotes these

questionable athletes, they assist them in their quest to become wealthy media darlings, and that only helps other media outlets such as record companies and movie studios to exploit their now already famous personalities. In fact, Mr. Iverson's record company is apparently planning to use the NBA's very well publicized All-Star weekend to release the uncensored—and one could only conclude even more objectionable—version of his soon-to-be-released CD.

Again, it is ultimately going to have to be up to the NBA as to who they promote and market and who they do not. But they need to realize if they continue to promote and market athletes who use their league-endorsed celebrity to promote or incite violence or the degradation of more than half the Nation's population, they will continue to bear a great deal of responsibility for the consequences of these actions.

I find it somewhat incredible that the Philadelphia 76ers' own coach has said, according to the Washington Post article, that he does not have a problem with Mr. Iverson's CD. That is nothing more than a cheap copout, and the NBA, the Philadelphia 76ers, and his coach should immediately condemn this outrageous, dangerous, and hateful message.

Let me give an example of one of the lyrics that is on this CD. Mr. Iverson says on his CD if someone is "man enough to pull a gun/Be man enough to squeeze it."

In addition, he also advocates the murder of gay men on his new CD.

I am told that a wire report has been circulated this afternoon indicating that Mr. Iverson has apologized to gay men and to women for the hateful language contained in his CD. I call upon Mr. Iverson to do more than that; to ask, as a responsible American, as a role model, which he styles himself to be: Let's not issue this CD. Let's recall it. That would be the kind of conduct we should ask and expect of Mr. Iverson.

There are many athletes in America who do provide the kind of role model all Americans can endorse—the Cal Ripkens and the Tiger Woods in the World. These are the kind of people who send a very positive message about the value of the work ethic and the commitment to standards. All of us admire that kind of conduct. If Mr. Iverson is deemed to be a role model for America's youth, I suggest that the youth of America is in serious trouble.

Michael Wilbon also had a very interesting response to this subject in the Post this morning. I commend it to my colleagues as well.

Mr. President, I ask unanimous consent this article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

IVERSON'S BAD RAP IS WELL-DESERVED  
(By Michael Wilbon)

Like a lot of other folks who care about basketball, I keep waiting for Allen Iverson

to grow up. I keep waiting for him to lift some weights and get stronger so that he can better withstand the pounding he takes. I keep waiting, hoping for him to realize that games are often won at the previous day's practice, which he may or may not have attended. I keep hoping that he is old enough now—25—to understand there's a world of difference between being a great talent and a great player, between somebody who's got game and a champion. I keep waiting for Iverson to understand that the notion of being a role model goes way beyond a lot of people walking around town wearing your jersey.

But here we are, at the start of NBA season No. 5, and Iverson seems no closer to getting any of this than he did four years ago. Maybe he's further away. My vigil appears to be in vain.

NBA camps have just opened, and Iverson is in the news already, again for the wrong reasons. The story with sizzle is the controversy over a soon-to-be-released rap CD on which Iverson does what the majority of thug rappers do: He demonstrates that he, too, can bash gays, degrade women and talk about shooting somebody. That's the genre. It's pretty clear how this breaks down; if you're under 30 (regardless of race, nationality, gender), chances are overwhelming you're a lot more open to thug rap than if you're over 40. I'm 41, and most rap doesn't speak to me, doesn't move me whatsoever. But I do listen to it enough to know that lyrics Iverson's spewing on "Non-Fiction" are fairly common.

That doesn't mean people won't be offended, and legitimately so. Iverson's rap on gays, as reported earlier this week in the Philadelphia Inquirer: "Come to me with faggot tendencies/You'll be sleepin' where the maggots be." He also raps, "Man enough to pull a gun/Be man enough to squeeze it."

This is a young man who in the same breath will tell you he is a role model? Sadly, he is probably right on the mark. And sadly, the hip-hop community seems to get a pass on gay-bashing and misogynist behavior.

Given what this kid has been through in his life, and that the present environment existed long before he came along, many of us have extended Iverson the benefit of the doubt. He's about used it up. It's not about his twisted lyrics, specifically. It's about squandering talent, it's about being a self-absorbed egomaniac whose position in the culture isn't nearly as big as he thinks it is. It's about never listening to anyone, and having no regard for anything that doesn't revolve around him and his. Kinda like the very dead Notorious B.I.G. and Tupac, which I'm sure Iverson would take as a compliment.

I thought Iverson was getting somewhere when he said earlier this week, "The whole time I've been in the NBA, I haven't been professional at all. I always looked at it like it was just basketball. This year will definitely be the best season I've had since I've been in the NBA. I owe it to myself and my family and my teammates to be a better player."

"I'm concentrating on basketball. I haven't been working on my game as serious as I should've. I have the raw talent. This is going to be the most important year of my career because all eyes are on me this year. Everybody's wanting to see if I can be the captain, if I can be a leader, if I can be professional besides playing basketball, and if I'm up to the challenge. I'm ready for it because it's something I can do."

But the longer you listen to Iverson, the more you realize he's disconnected from the world we live in, even the world he lives in. The attitude is: I can be late or miss practice

whenever I want because I'm Allen Iverson, The Answer, and the team don't have nothin' if it ain't got me. And if you make a big deal out of me cussin' the coach and standing up my teammates and getting fined 50 times in one season, then you must be a punk 'cause I'm tough and you ain't.

Iverson is ticked off because the 76ers tried to trade him because he repeatedly is late to practice, if he shows at all. You know what his take is? "That's embarrassing to hear that an organization is thinking about trading its franchise player because he's tardy to practice."

Of course, it never occurred to him that it ought to be embarrassing for the franchise player to be tardy repeatedly. That wouldn't cross his mind. "You're going to send me to the worst team in the league?" he asked incredulous at the possibility of going to the Los Angeles Clippers, apparently unaware that players a whole lot more accomplished than he is (Wilt and Kareem to name two) were traded in their prime.

Truth be told, the Clippers don't want Iverson. Several teams have turned down the chance to trade for him and here's why: They're afraid he'll never get with the program—anybody's program. He plays his heart out every time he puts on a uniform. For those 48 minutes, there isn't anything he won't do to win a basketball game. He'll sacrifice his body, he'll do the dirty work some superstars don't want to do. But the great players in any sport know it only starts there. And that's what Iverson hasn't grasped. You know what he said this week about his repeated tardiness, which by the way has angered his teammates?

"Yeah, I was late to practice, but, believe me, [the number of] times that I heard nobody would put up with that. I'm not even brave enough to miss that many practices."

So how many, Allen? "I don't know; I wasn't counting. Don't nobody complain about the effort I give in a game. [Given the injuries and pounding he takes] it's bad enough I had to come to the game."

Iverson went on to say he was "hurt hearing some of the things the fans were saying, some of the things people on the coaching staff were saying. I thought a lot of people in this organization were my friends and I found out the hard way that there's no friends in this business besides your teammates."

I guess those would be the teammates for whom he won't come to practice on time. I guess those would be the friends who have begged him for years to get his act together to try to realize there are obligations that come with an \$80 million contract. If they're not sucking up to him, they're against him, they don't understand him, they're not as tough as he is.

Folks under 30 are tired of people my age wanting Iverson to be Bird or Magic or Jordan, and that's understandable. Different time, different place, the world evolves. But I'm looking at Kevin Garnett now, at Ray Allen, at Tim Duncan, at Shaq and Kobe Bryant. There is a new generation of players trying to be all they can be. And they have fully developed lives outside of basketball.

Iverson, meanwhile, raps one thing, but his actions speak even louder. It's everybody else's fault, it's the coach's fault, it's the system's fault. He says he is going to change. It reminds me of Bob Knight saying he was going to change. I'm hoping Iverson is different because he's more than 30 years younger than Knight; he can grow up if he wants. But maybe it's more important for him to talk loud while saying nothing.

Mr. BRYAN. Mr. President, again, let me urge the NBA and the Philadelphia 76ers to step forward and be heard.

They will say: Look, we cannot control Mr. Iverson's conduct. That may be true. But they have an obligation, a responsibility to speak out and to condemn such conduct, even if they are unable to control it. So far, either they have, by silence, acquiesced, or they have to acknowledge that they find nothing wrong with the CD.

I find that both troubling and tragic if that is the standard we are to follow.

Again, the NBA, the Philadelphia 76ers, and their coach ought to speak out loud and clear and indicate this is not the kind of conduct they expect from one of their star athletes and to be as critical of it as I know Americans are in general.

Mr. President, I yield the floor. I believe some of our other colleagues have reserved time.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I thank the Senator from Nevada for sharing those serious concerns. It was not long ago that a group of us wrote the major department stores in the country asking them not to sell this violent material to minors, and they responded as good corporate citizens.

They said: We have a constitutional right to sell it, but we are not going to do it. Either we are not going to sell it at all, or we are going to make sure children produce an ID so we know they are old enough to buy the material. I thought that was a good corporate response.

Yes, the NBA may not legally be able to stop this stuff, but they ought to express their concern about it. The Senator makes a valid point, and I salute him for it.

(The remarks of Mr. SESSIONS pertaining to the introduction of S. 3169 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. SESSIONS. I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

#### ORGAN DONATION IN AMERICA

Mr. DURBIN. Mr. President, before I address the issue that I would like to speak to this evening, I would first like to acknowledge a press conference which was held today, and one which I believe could have some significance across the United States. It was a press conference here on the lawn of the U.S. Capitol. In attendance were Senators BILL FRIST of Tennessee and Senator DEWINE of Ohio—both Republican Senators—as well as my Democratic colleague, Senator CARL LEVIN and I.

What would bring together two Democrats and two Republicans in rare agreement here in the close of a session? It is an issue which, frankly, transcends party and transcends region. It is the issue of organ donation in America.

Mr. President, 72,000 of our friends and neighbors are sitting by a telephone across America at this very mo-

ment waiting for the phone to ring to be told that there is an organ available to be donated to them which could save their lives—72,000. In my home State of Illinois, there are 4,500 such people. Sadly, 300 of them will die before they receive the phone call that an organ is available.

So last year I joined with Senators FRIST, DEWINE, LEVIN, and KENNEDY, and half a dozen other Senators from both sides of the aisle, to try to address this on a national basis. We came up with the concept that this Thanksgiving in the year 2000 will be designated "Give Thanks, Give Life Week," where we will try to alert families across America, as they come together for Thanksgiving, that they should take a few moments of time in that festivity and just perhaps talk to one another privately about their feelings about organ donation.

We were lucky to have the endorsement of this effort by the National Football League. At 17 different NFL games on Thanksgiving Week, they will have "Give Thanks, Give Life" activities.

Today, we had at this gathering on the Capitol lawn, Connie Payton, who is the widow of the great Chicago Bear running back Walter Payton. Of course, he died in November of last year from liver disease. He might have been saved by a liver transplant. She has really dedicated her life since trying to work for children and for organ donation in his memory.

Connie is a wonderful lady who has been on television in public service spots across Illinois with our Secretary of State, Jesse White, for the past 6 or 7 months. She really is well respected for her efforts.

Joining her were representatives of the National Football League from the Washington Redskins and from the Tennessee Titans. It is going to be a great opportunity across America to use what is a great family get-together to remember the very basic: If you want to give thanks, you can give life with an organ donation.

So I hope a lot of my colleagues in the other NFL cities will be part of this and will participate. In Chicago, we are going to set up tables in Soldier Field for those who want organ donation cards and to encourage people to sign their driver's licenses. At half time we are going to bring out a bunch of kids and older folks who successfully received organ transplants.

At this meeting, we had Jon Hochstein, a 5-year-old boy from Virginia. He had a heart transplant a year and a half ago, and he looks like he will play in the NFL some day.

It is a great miracle, but it can't happen without organ donors. Those of us who made that commitment, and have made it known to our families, stand at least the possibility to bring a lot of joy to families.

Mr. REID. Will the Senator yield?

Mr. DURBIN. I am happy to.

Mr. REID. The Senator from Illinois and I came to the House of Representa-

tives together 18 years ago. I was placed on the Science and Technology Committee, and the first subcommittee I was on was chaired by Representative ALBERT GORE. One of the first hearings that he put together as chairman of that subcommittee dealt with organ transplants. That was 18 years ago. Maybe the Senator can remember the very noted hearing that he held, beginning a discussion on organ transplants.

Mr. DURBIN. I was at the same hearing.

Mr. REID. I say to my friend from Illinois, do you remember little Jamie Fisk whom he brought in?

Mr. DURBIN. I do.

Mr. REID. He was yellow.

Mr. DURBIN. Jaundiced.

Mr. REID. He needed a liver transplant. As a result of that hearing, Jamie Fisk got a liver transplant. It began a discussion in our country that the Senator from Illinois has carried on all these years about why we should be aware of the need for organ transplants.

I was not aware the Senator was coming to the floor today to speak about this subject. But my mind returns to that very dramatic hearing that went on for many hours. It was the first of its kind.

I would say, in passing, and ask the Senator if he agrees with me, that this is like AL GORE to begin something like this. He is a visionary. And this goes back long before anyone ever anticipated or thought that AL GORE would be a Member of the Senate, certainly not Vice President, and not running for the Presidency.

Mr. DURBIN. I agree with you.

But I remember it well because I was lucky enough to serve on that same subcommittee. I remember that testimony as if it were yesterday. It was amazing that this issue was brought forward. We have done so much.

Our Republican colleague, who is a medical doctor, Senator BILL FRIST, was a former heart and lung transplant surgeon. He came down here. He talked about how he used to carry around in his pocket the names of 10 or 12 people who needed an organ donation. He would go through the hospital to see if there were any families with a loved one who was about to pass away who would even consider that. He said since he stopped that practice a few years ago, the number of organ transplants has been increasing each and every year. But it can't continue unless there are more donors.

I hope this "Give Thanks, Give Life Week" around Thanksgiving will become an annual event. I want to really salute the National Football League and Paul Tagliabue, the Commissioner, for all the support they have given us. They have at least given it the kind of sendoff we hoped to achieve. Connie Payton, who was here the other day; Mark Moseley, who is a former most valuable player in the NFL; Bill Brundage, who was also a lineman for the Washington Redskins—they all came out here to endorse the concept.

Many times, people in sports can come forward and spur a lot of folks to take seriously what politicians, such as ourselves, may not be able to impress upon them. So this meeting today was a good one.

#### TAX CUTS AND THE PRESIDENTIAL DEBATE

Mr. DURBIN. Mr. President, I also come to the floor today to talk about an issue that came up the other night during the course of the Presidential debate. I did a television show last night called "Crossfire." Some people probably have seen it. It was typical. It was kind of a controlled shouting match, you might say, on "Crossfire," with Republicans on one side and Democrats on the other. Mary Matalin, who is from Illinois, and has been quite well known for her chairmanship of the campaign for George Bush's election as President, was there representing the Republican side. Of course, we had Bill Press on the Democratic side. We talked about the debate.

The interesting thing to me was, the analysis of the debate by these commentators kind of came down to what I consider to be fairly superficial questions: Did George Bush show disrespect for AL GORE when he brought up the whole question about fundraising? Did AL GORE show disrespect for George Bush when he shrugged or was guilty of audible breathing?

I thought to myself at one point, is that as good as it gets in a Presidential campaign in America? We can listen to 90 minutes of debate and wonder if someone perhaps cleared their throat at the wrong time, or shrugged their shoulders, or someone else brought up a word or two that might have crossed the line.

I think it is worth a lot more for us to have these debates. I think it is important that all of us who are in this business—Republicans and Democrats—take it as seriously as the American people want to take it.

What I hear from people across the country is, we are looking for political candidates who speak candidly, honestly, openly, and truthfully. Tell us what you believe, even if we might disagree with it, so we can draw a conclusion about you, not just our ideas about you.

The issue that AL GORE came to the debate to talk about is one which was addressed a few moments ago by our colleague, Senator PETE DOMENICI of New Mexico. I listened carefully because I really respect this man. For years, when I served in the House of Representatives on the Budget Committee, and now on the Senate Budget Committee, I have watched PETE DOMENICI. He has gone after the deficit like a tiger and for years and years was admonishing Congress to cut spending, trying to bring down our deficit. He continues in that effort.

As a consequence, I wish he were here on the floor. I told him I was going to

bring up this issue. I wish he were here on the floor so we could have a little debate about the proposed tax cuts of the two candidates, AL GORE and George Bush, and the impact it would have on America.

I think that is the point that AL GORE was trying to make the other night in the debate. There really are two clear choices. Both parties are for tax cuts, but they are entirely different approaches. The American people get to take their pick whichever they think is best for the future of this country and fairest for the taxpayers.

Frankly, I think the choice is very stark and very clear.

Let me show you, as an example, this chart, which demonstrates George Bush's proposal. It is true, we are at the point in our history where we are going to have a surplus; more money coming into the Federal Treasury than going out for the next 10 years.

The amount of that surplus will be somewhere in the neighborhood of \$4.8 trillion—a huge amount of money. It sure is a far cry from just a few years back when we had, year after year, deficit after deficit. But, thank goodness, we are now living in an era of projected surpluses. We can start thinking about doing things with that money that will be good for the Nation.

The first thing you have to notice out of the \$4.8 trillion surplus over the next 10 years is we have all agreed—Democrats and Republicans—that \$2.6 trillion of the \$4.8 trillion will not be touched. That is a surplus in the Social Security funds. We have said that is off limits. Nobody gets to touch the Social Security fund. So you start off with a 10-year surplus of \$2.2 trillion, which I have indicated on this graph.

Then we take a look at the projection, first from George Bush, as to what you might do with that. Well, there will be a surplus as well in the Medicare trust fund, the hospitalization plan for the elderly and disabled, of about \$360 billion. We think that should also be off the table. We should not touch it. We know Medicare won't last forever, and we want it to be solvent. So if you take away that amount, you are down to \$1.8 trillion over the next 10 years.

Then, of course, you take the proposal of George Bush for tax breaks of \$1.3 trillion, and you find that you have \$500 billion left over the next 10 years.

Then George Bush has also endorsed other Republican tax breaks, such as the estate tax, the marriage penalty tax, the telephone tax, a whole variety of tax breaks which total \$940 billion. Now we find ourselves in short order in the deficit category again. If you do all these things, you are back in the deficit world.

Then take a look at proposals by Governor Bush for additional spending on a variety of things—the military, education, whatever it happens to be—\$625 billion, and that brings the deficit to a total of \$1 trillion over the next 10 years. Then there is the proposal by

Governor Bush that suggests we should privatize Social Security. That would cost \$1.1 trillion. So add that to the \$1 trillion, and now you have \$2.1 trillion. With added interest costs of these additional debts of \$400 billion at the end of 10 years, you started off with a \$4.8 trillion surplus and now, at the end of it, under the George Bush plan, you have a \$2.5 trillion deficit.

None of us wants to see a return to those deficits. So the alternative which has been proposed on the Democratic side by Vice President GORE suggests a much more reasonable approach: Start with the same \$2.2 trillion, the non-Social Security surplus; protect the Medicare trust fund, \$1.8 trillion; targeted investments, \$530 billion. What is that for? Additional medical research at the National Institutes of Health, more money for our schools, environmental protection, cleaning up some of the environmental waste sites across America. Now add in the prescription drug benefit under Medicare, which we support on the Democratic side. You are now down to \$943 billion.

Then we bring in our tax cuts, \$480 billion worth of tax cuts, which I will describe in a few minutes. Then after you have reduced interest, you have a net of \$310 billion on the plus side. You are not back in deficit land again. You don't see the red ink on this chart. You are still above the line. You still have a surplus.

The Vice President has suggested that we should put this in a rainy day fund because, frankly, all of these economic projections are just guesses about the future. If we guess wrong, we should have a rainy day fund for emergencies. The good news is, as we address this approach, by the year 2012, we will have eliminated, under Vice President GORE's proposal, the publicly held national debt in America.

What does that mean? It means that the debt being held by folks who own treasuries and securities in the Federal Government will have been retired. And if that is retired, then it means less competition for capital, lower interest rates, more opportunity for businesses to expand and families to borrow money for mortgages. It also means that our kids will not be carrying the burden of the national debt on their shoulders. I don't think we can leave our children a better gift. Those who would suggest that a tax cut is a much better deal miss the point.

The best deal is for us to eliminate the publicly held national debt, have targeted tax cuts, and end up with a surplus at the end. To find ourselves, as Governor Bush has proposed, running into all of this red ink from his proposals would be a recipe for disaster. We would not only still have our national debt, we would be adding to it. I don't think that does our kids and grandchildren any good whatsoever.

When AL GORE said repeatedly the other night that the Bush tax cut spends more for the wealthiest 1 percent than the total that he wants to

spend on education, defense, health and prescription drugs, that is exactly what the figures show. The tax cuts proposed by George Bush for the wealthiest 1 percent of Americans, \$667 billion worth of tax cuts, are greater than the investments he wants to make in defense, health care, education, and prescription drug benefits combined. It is his choice. In this business of politics, it is a business of choices. I think it is important for us to reflect for a moment on the distribution of those tax cuts proposed by George Bush.

This was a point raised earlier by Senator DOMENICI. I am sorry that we didn't have a chance to be on the floor together so we could explore what we are talking about.

Who are the people who make the top 1 percent of income in America? They turn out to be folks who make more than \$319,000 a year. That is \$25,000 a month. I don't expect people to hold up their hands if they happen to be in that category. When you talk about those who need a tax cut, does it spring to your mind automatically that this is the first group we should care about, that 40 or 50 percent of all the tax cuts ought to go to people making over \$25,000 a month? Boy, that sure doesn't calculate in my mind.

And the Bush tax cut, the average tax cut for those people making over \$319,000 a year, is \$46,000 a year. That is the Bush tax cut for the top 1 percent. You go down to people in the lower income categories and you see that it is small change. If you are making less than \$14,000 a year, George Bush thinks you need a tax cut, too, \$42 a year. If you are making less than \$24,000 a year, it is up to \$187 a year; under \$40,000 a year, \$453 a year.

As you look at this, you have to ask yourself a question: Is it really important for Members of Congress to feel the pain of the wealthiest people in America or perhaps to identify with a lot of middle-income and working families who are struggling with the necessities of life?

I come to this job believing that our responsibility isn't to the wealthiest. I think they are doing pretty well. America has been pretty prosperous for the last 8 years, more economic prosperity than at any time in our history. And it shows. People are living better. They are saving more. They are enjoying a better lifestyle. To think they need a tax cut at this moment in our history rather than to eliminate the national debt, rather than to provide tax cuts for people in lower income categories, is beyond me.

There are some interesting statistics, too, about what has happened to Federal tax rates since Bill Clinton and AL GORE took over. There was a statement made frequently by Governor Bush that he wants to cap the total Federal tax rate at 33.3 percent. He said no one should pay more than a third of their income in Federal taxes. That is an interesting proposal. But as you get into

it, this is what it says. Let me give you an idea.

For middle-income families, since the Clinton-Gore administration took office, the total Federal tax rate has dropped to 22.8 percent, the lowest rate since 1978. So telling those folks we are not going to let your taxes go beyond 33.3 percent, they are already doing well. Tax rates are coming down. We want to continue to see them come down with more targeted tax cuts. For families with incomes of \$24,000, the tax rate went from 19.8 percent in 1992 to 14.1 percent in 1999, the lowest tax rate since 1968.

So when the suggestion is made that the Federal tax rate won't be any higher than a third for anybody, it really goes back to the highest income categories. That is his shorthand version of saying: I want to give a tax cut not to working families but to people at the highest income categories. What George Bush is challenging is basically the idea of a progressive income tax, something that we really agreed on almost 80 years ago in America.

We said, if you are well off and you are doing better, you should pay a higher tax rate than people who are struggling to get by. Every President has gone along with that from the beginning. Democrats and Republicans alike. But the arguments coming from Governor Bush at this point suggest he doesn't believe that. He believes we should reduce the rate for the wealthiest people in the country and not provide similar tax relief for those who are in lower income categories.

It would be a virtual windfall, in terms of tax benefits, for some of the wealthiest people in America. Honest to goodness, should we be on the floor of the Senate and in the House dreaming up ways to make Bill Gates' life more comfortable? I don't think so. How about Donald Trump? I think he is doing okay. I watch the way he dresses and his lifestyle. I don't think he will need this \$46,000 from George Bush. In fact, if he receives it, he may not even notice it.

When we talk about tax cuts on the Democratic side, we are talking about things that working families will definitely notice. Let me give you some ideas of the things we have come up with that we think are targeted tax cuts consistent with keeping the economy moving forward and helping everybody, not just a few. The Republicans criticized these, but that is what campaigns are about.

On the Democratic side we believe the No. 1 concern of working families is paying for their children to attend college. You can look at kids coming out of college who are \$15,000, \$20,000 in debt, and higher. Parents wonder, for goodness' sakes, how can we save up enough for this child to be able to go to college. I did a survey in Illinois. Over the last 20 years, college tuition in public and private universities in my State has gone up 200 to 400 percent. So it is understandable that there would

be anxiety among parents as they try to think about how they are going to pay for college.

Well, Vice President GORE and the Democrats have suggested that up to \$12,000 of college tuition and fees should be deductible on your taxes. You can't do that now. We think you should. That would be a helping hand to working families who want their kids to go to college and acquire the best skills, but they don't want them loaded down with debt when they graduate. It is simple, straightforward, honest, and popular. I have been across my State, which is split down the middle politically. I have yet to run into a crowd that didn't applaud that suggestion. They know, either through their kids or their own life's experience, that this is the sort of thing that works. I went to Rockford College in Rockford, IL, and I asked them, "What is the average indebtedness of your graduates upon graduation?" They said, "It's \$20,000 after getting out of school."

If the Gore plan for education expense deductions were in place, that student would graduate with a debt of \$4,000 or \$5,000, instead of \$20,000. And if you have accumulated college debt, you will be able to claim a tax credit for the interest that you have to pay on it. So I think that is the kind of targeted tax cut that makes more sense, rather than giving Bill Gates \$46,000 a year, which he won't even notice.

Secondly, a lot of people are concerned about day care. I understand now with a grandson—and Senator REID and I were talking about our grandkids earlier. I have a 4-year-old grandson, and my daughter and son-in-law are concerned about quality day care and the cost of it. We want Alex to have the very best. But it gets expensive. A lot of families can't afford the best. So we give a tax credit for day care, but it is not adequate. It doesn't meet the need. A lot of families struggle and worry. They are hoping that the kids they pick up at the end of the day will be better off than when they left them, but they are never sure.

Wouldn't it make more sense for us to have a greater tax credit for day care? A lot of working families would applaud that. Kids in a better environment have a better chance to be healthy and safe and to succeed. So that is a targeted tax cut which has been supported by Vice President GORE and supported on the Democratic side.

A third one relates to long-term care. This is one that virtually all of us face as our parents get older and need additional attention. We may find, perhaps, that a visiting nurse, or some sort of convalescent care, or assisted living situation is the key for happiness for a person you love very much, a parent who has given you their entire lives. But it is expensive, and there are a lot of out-of-pocket expenses involved when a conscientious family cares for an aging parent or grandparent.

As the Democrats have proposed, I think a tax break for those engaged in



long-term care assistance for their parents and relatives is a sensible investment. Today, at a town meeting which we have every Thursday—Senator FITZGERALD and I—for visitors from Illinois, a young lady talked about her little boy who suffered from autism and how, after all of the efforts by the school district and her health insurance, she and her husband still had to borrow from relatives and take out of pocket to care for their disabled little boy. She said to me: Why in the world can't I get help under the Tax Code for that?

I think she is right. Doesn't it make more sense for us to make sure the Tax Code is sensitive to people's real needs in raising their families?

When these folks are making a sacrifice for their children, shouldn't we be there to help them along? That is the difference. On the Democratic side, we target the tax cuts as I have just described. On the Republican side, they say, no, we think the wealthiest top 1 percent in America should get 42.6 percent of the tax breaks; those making over \$300,000 a year should get \$46,000 a year in tax breaks. And, frankly, they disparage our approach as being "too selective." Well, it is true; our tax cuts do go for specific purposes, but they are purposes with which real families can identify.

So when the debate started disintegrating into a question about who was clearing their throat, or shrugging their shoulders, or glaring at whom, I thought there is much more at stake in this election. I hope in the closing weeks of the election—and the Vice Presidential debate is tonight, and the Presidential candidates will debate on two more occasions in the next few weeks—we can get down to business here. I think there is a clear choice on so many issues.

I haven't mentioned prescription drugs, and I would like to do that for a moment. There is such a dramatic difference between the approach that George Bush proposed for prescription drugs and that by proposed by Vice President GORE. Did you know the Bush proposal, in the first 4 years, would depend on each State enacting a prescription drug benefit? That's right. Every single State would have to enact the law and do it their own way. That means just a handful of people will be assisted. In Illinois, over a million people might qualify for prescription drug help, but because of the way the law is written, only 55,000 actually do. It is limited to a certain number of diseases and certain drugs. Frankly, that doesn't do the job. As a consequence of that, you will have a lot of people left behind.

Governor Bush says for 4 years we will let the States take care of it, if they want to. Some States already have prescription drug benefit plans. Illinois is one of them, but Texas is not. So the State of Texas, where he is Governor, hasn't even enacted a prescription drug benefit plan. And now George

Bush says we will leave it up to the States and they can show the initiative and leadership when it comes to prescription drugs for 4 years. Then, at the end of 4 years, things get very interesting under Governor Bush's plan. It is at that point he says we will take it away from the Governors in the States and put it in the loving and caring arms of a group which we know America trusts the most—insurance companies. Insurance companies.

So the decisions on the prescription drugs won't be made by doctors, nurses, or health care professionals. Once again, they will be made by clerks at insurance companies, who will decide which drugs they are going to put in their formulary, their accepted prescription drugs, and which ones they will not. They will decide the premiums and how much the copay will be. You will decide on your own how much help you will get. If you happen to be making a certain amount of money, you may not qualify for any assistance whatsoever. That is the George Bush plan. That is his approach. He says it gives you maximum choice. You get to pick your own insurance company. What a break. Then your insurance companies get to pick the drugs which you may be allowed to take.

Contrast that with the Democratic plan, supported by AL GORE. He says this ought to be a voluntary universal plan under Medicare. There is your choice. The private insurance companies versus Medicare. That is the choice I think a lot of people don't understand is really before us in this Presidential election. GORE believes in a prescription drug benefit under Medicare that is universal, voluntary, and available for everybody. Bush says to first give it to the States, let them work with it for a while, and then give it to the insurance companies and let them take it over. That is the choice. It is no choice at all. Under the Gore plan, the Medicare prescription drug benefit plan, your doctor will be prescribing your drugs. Medicare will help you pay for them. Under the Bush plan, the health insurance company will decide which drugs you can apply for and how much you pay in premiums.

I don't think that is much of a choice. I think back to 1965 when I was a student. I can remember the debate under Medicare. The Republicans opposed the creation of Medicare. It was Lyndon Johnson's idea that they called socialistic, the Great Society, so forth and so on.

Look at where we are today, 35 years later: A health insurance plan for the elderly and disabled which has lengthened the lifespan of senior citizens and which has brought dignity and independence to their lives. Medicare is a system they trust. When AL GORE suggests that prescription drug benefits should be under Medicare, seniors say: We feel at home with Medicare. We know how it works.

Do seniors who voluntarily sign up have to pay a premium? Of course, they

pay for Medicare now. It is understandable. They will be making a monthly payment. But look at the peace of mind they buy for \$50 a month. They realize there is a maximum amount they will have to pay each year for prescription drugs. If a medical catastrophe comes along, they know they are not out on a limb and unable to fill those prescriptions if they need to.

When it comes to tax cuts and prescription drug benefits, what a clear contrast between the two candidates for President of the United States. Elections are about choices.

Many of our friends on the Republican side of the aisle, frankly, who didn't have much of an inclination toward these issues are now discovering these issues. They are now newfound converts to the idea of prescription drug benefits. They have come up with a plan, which is interesting, about the reimportation of drugs after they have been sent overseas. You know a lot of drugs made in the United States go to other countries and they are sold for a fraction of the cost. The question is, can you bring them back into the country, buy them at a fraction of the cost in Canada and Mexico, and bring them back in the United States? I support it.

It really shows how far this system has disintegrated when the drug companies sell drugs in Canada for a fraction of what they cost consumers in the United States, where the drugs were developed with taxpayers' money through the NIH and inspection by the FDA and others.

This reimportation of drugs from other countries, as appealing as it sounds, can't possibly solve the problem. It is impossible to believe that American drug companies will just be shifting drugs overseas on a wholesale basis and expect Americans to import them back into the United States. At some point, they will slow down the sales overseas and they will take control of the situation.

The only real answer for a prescription drug benefit under Medicare is for the Medicare system to bargain with the drug companies for reasonable prices and costs for these drugs. That is really a key issue in this campaign and a key difference between the two candidates.

I know this is likely to come out tonight in the debate between our colleague, Senator JOE LIEBERMAN, and the former Secretary of Defense, Mr. Cheney. But I don't believe this is the end of the debate. I think it will continue on the Senate and House floor in the closing days and weeks of this session. Ultimately, the American people will be the judge. We have asked the American people in many polls which approach they prefer, and they say, hands down, that the Democrats understand Medicare, understand prescription drug benefits, and understand how to bring tax cuts that work for working families so that prosperity is there for everyone and not just a few.

(Mr. SMITH of Oregon assumed the chair.)

Mr. REID. Mr. President, before the Senator yields, may I ask the Senator a question? Did he say the top 1 percent of the people in the Bush tax cut get almost 50 percent of all the benefits?

Mr. DURBIN. That is correct.

Mr. REID. Did the Senator also say there are a number of converts during the last few months on issues that we have developed? Take, for example, the Patients' Bill of Rights. Isn't it true that in this body, on a straight party-line vote, there was a Patients' Bill of Rights in name only? The majority, the Republicans, passed a Patients' Bill of Rights. But is the Senator aware of what is in the Republicans' Patients' Bill of Rights that is good for the American people?

Mr. DURBIN. I can respond in this regard. I know the Republican so-called Patients' Bill of Rights was so good that the insurance companies approved of it and embraced it and endorsed it. Frankly, it is supposed to be a law that protects consumers against the excessive attitude and conduct of these insurance companies. Excuse me if I am skeptical, but this bill is endorsed by the lobby that is supposed to be fighting for the Patients' Bill of Rights. I smell a rat. Maybe I shouldn't use that term in light of the political campaign that is going on. I suggest perhaps that it not a real Patients' Bill of Rights.

Mr. REID. Is the Senator also aware that a Republican Member of the House of Representatives, a medical doctor from the State of Iowa, who looked at the bill we passed in the Senate, which the Republicans passed over objection, denigrated that bill? I repeat: Is the Senator aware that a Republican House Member from Iowa who is a medical doctor has stated that the bill passed out of here by the Republicans is bad?

Mr. DURBIN. That is Congressman GANSKE of Iowa. There was a bipartisan coalition in the House that endorsed the Democratic bill, the one that really works, the only one endorsed by virtually every medical group in America that understands patients ought to have the benefit of a doctor's judgment, not an insurance company's judgment, when it comes to critical health care.

They have created their own Trojan horse, this phony bill on the Patients' Bill of Rights. Honestly, I think the American people are going to see through it.

Mr. REID. I say to my friend from Illinois that it is possible to do work around here on a bipartisan fashion. That was demonstrated by Congressman NORWOOD, a Republican, and Congressman DINGELL, a Democrat. Congressman DINGELL is not a medical doctor. It is a good bill. Does the Senator agree?

Mr. DURBIN. It is a good bill. It is almost identical to the bill the Democrats had in the Senate.

I think the Senator from Nevada is also aware that we now have a new Member in the Senate from the State

of Georgia who is committed to supporting our bill. We are now at a point where we believe that bill could pass.

Mr. REID. Is the Senator aware that we have not been allowed, through parliamentary maneuvers over here, to have a vote on the Patients' Bill of Rights? But we now have, obviously, a new Member who will vote in favor of it.

Mr. DURBIN. The Republican leadership in the Senate doesn't want to allow a vote on the Democratic Patients' Bill of Rights, almost the identical bill that passed in the House, because they know it would pass and it would be an embarrassment to them. The Democrats would win that battle. I don't think the people at home care whether the Democrats win or the Republicans win. They want families to win. This is an example where families would win, where you could have protection.

Let me give an example. I am sure the Senator is well aware of this. If a woman in the course of a pregnancy is going to her obstetrician, and because there is a change of insurance companies at her employment, she is asked to go to a different HMO, we provide that she can continue with the same doctor's care, in whom she has confidence, through the completion of her pregnancy. I think it is common sense and good medical judgment. I think both sides could agree on it. That is part of our Patients' Bill of Rights.

It says if you are going to the emergency room with a child, you don't have to check in the glove compartment, pull out the insurance policy, and go through it page by page to get the right hospital. It says if somebody at an insurance company makes a wrong decision and you lose your life or your health, they can be held accountable, as every business and person in America is held accountable.

Those are some basics in the Democrats' Patients' Bill of Rights. The Republican leadership does not want that issue to come to the floor because they now know we have the votes to pass it. They have blocked us every step of the way.

Mr. REID. Is the Senator also aware—which I am certain he is, but I would like to hear his response—that the Democrats' Patients' Bill of Rights is something unusual as far as this Senator is concerned, because we have the support of literally every organization in America: the AMA and the American Bar Association? I can't remember these two organizations ever agreeing on anything. Virtually the only organization that opposes this legislation is a health insurance company.

Does the Senator acknowledge that?

Mr. DURBIN. That is the reason a Patients' Bill of Rights hasn't passed in the Senate. It is not a question of what is right and popular, what the people want, and what health care professionals say will be best for the future of health care. It is a question of

political muscle. The insurance companies have more political muscle in the Senate. They have stopped us from bringing this bill to the floor for a vote.

Shortly we will adjourn and go home with a lot of unfinished business. This is one of them. We came this close to doing it, but the Republican leadership said: No, we are not going to allow the Patients' Bill of Rights to come to the floor for a vote. That is an illustration of their insensitivity to what people in this country really care about: good health care. This Congress has not responded to it. In many respects, this Congress couldn't care less. That is sad because it is our responsibility, as representatives of the people of the States who elect us to listen to their needs and to respond to them. We have been totally unresponsive because of the efforts of the Republican leadership.

Mr. REID. If the Senator would also answer this question; it was brought up indirectly by the Senator's last statement. One of the things we have not done here is do something about campaign finance reform. As we are talking all over America, there are 30-second and 1-minute spots being run by this group, that group, the Democratic Party, Republican Party, and independent groups. The American public is beginning to get almost punch drunk as to who is advertising what.

Does the Senator think it would be one of the most important things we could do as a body and as a Congress to get this campaign finance problem under control, such as getting rid of soft money? Does the Senator think it would help the body politic to have campaign finance reform? We have been prevented from this by the majority.

Mr. DURBIN. The Senator is right. The efforts of our colleague, Senator RUSS FEINGOLD, and Republican Senator JOHN MCCAIN are well documented. AL GORE has said: As President, the first bill we will send the Congress is the McCain-Feingold campaign finance reform. The first bill he will accept is a bipartisan bill to deal with campaign finance reform.

If we cannot come to grips with the abuses of the campaign finance system, several things will occur. The special interest groups, which rule the corridors of Congress and continue to rule the campaigns, will set the agenda; and secondly, many good men and women will continue to refuse to get into this business because they don't want to mess with multimillion-dollar campaigns, these attack ads that come from every direction, and the attacks on personal lives and reputation which have become so commonplace in negative campaigning.

It is interesting to me we have a bill so clearly bipartisan. The Republican Senator, JOHN MCCAIN, was very popular as a Republican candidate for President. In fact, he carried a few States in the Republican Presidential primary. Yet we can't even get that

bill to the floor for a vote in a Senate that is controlled by the Republican Party.

I think the American people see through this. I think they understand that this is not a fight over the Bill of Rights, it is a fight over the rights of Americans to be well represented.

Mr. REID. I say we need more people like the Presiding Officer. He has joined with us in many bipartisan matters. I hope the conversation we have had today does not in any way reflect upon the Senator from Oregon, who has worked with us on a number of issues. I am sure it has caused him a problem on the other side of the aisle.

The reason I mention that is everyone thinks McCain-Feingold is a bipartisan bill, and it is, in the sense that JOHN MCCAIN has stepped way forward on this to talk about the need for campaign finance reform. But the people willing to help him on the other side of the aisle, the majority of them, are few and far between.

On a number of issues we have talked about today, with rare exception, the Senator from Oregon has been willing to join in a bipartisan fashion to pass legislation. As my friend from Illinois has said, it is possible we could do this. All we have to do is what is right for the American people and get rid of these very high-pressure lobbying efforts—for example, the health insurance industry, which is preventing us from moving forward on something like a Patients' Bill of Rights.

Mr. DURBIN. At this point, I acknowledge my colleague, Senator FITZGERALD of Illinois, who also voted for the Patients' Bill of Rights. He has publicly stated he thinks it is the best approach. I think it takes extraordinary courage sometimes to break from your party on these issues.

The presiding Senator from Oregon has showed exceptional leadership and courage on the hate crimes issue. This was not an easy issue, I am sure, for him; it was not for any of us. He stood up on that issue. I will remember that for a long time. It was exceptional. We want to make sure we continue in that bipartisan spirit. I hope even in the closing days we might reach out and find some bipartisan common ground to deal with some of these important issues.

I see some of my colleagues have come to the floor, and they have been very patient in waiting for me to finish my remarks. I yield the floor.

Mr. REID. Mr. President, what is the parliamentary order before the Senate?

THE PRESIDING OFFICER. We are in morning business. Senators are permitted to speak for up to 10 minutes.

THE PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I am following up on the Presidential debates of the other evening. I was thinking about what Governor Bush was saying about his Medicare plan. He was referring to Vice President GORE and saying: You are engaging in "Mediscare"—

"Mediscare." You are trying to scare the seniors.

The more I have looked at Governor Bush's Medicare proposal for prescription drugs, I have come to the conclusion that if his plan ever comes into effect, the senior citizens in this country ought to be scared. They ought to be scared about this.

Here is the difference between what Vice President GORE wants in terms of prescription drugs and what Governor Bush wants. In my right hand I have a Medicare card. Under the prescription drug policies of Vice President GORE, this is all you need to get your prescription drug. You have a Medicare card, you go to your doctor, he prescribes the drugs, you go to your local pharmacy, and you get your drugs filled. That is all you need—your Medicare card.

Under the Bush proposal, which goes out to the States, they have to pass legislation, and if you make over \$14,600 a year, you get nothing. So in order to qualify for prescription drugs under the plan advocated by Governor Bush, you would basically have to meet all of the requirements for Medicaid in terms of showing your income, assets, everything else.

I want to put together the sheaf of papers you would have to fill out if you were an elderly person and you wanted to get prescription drugs under the Bush plan. This is what you would fill out. It looks like about 40 pages of paperwork. First of all is the tax return. You have to take that in and show them how much you made. Then you have to do all the documents, including instructions, applications, certificates, estate recovery—of course, if you have some estate and you have some assets. There is an insurance questionnaire. This is the type of paperwork you would be faced with under the Bush proposal.

Under the Gore proposal: One simple Medicare card.

I sum it up by saying what the seniors of this country want is Medicare; they don't want welfare. That is exactly what Governor Bush is proposing in his Medicare prescription drug proposal.

#### JUDGESHIPs

Mr. HARKIN. Mr. President, an issue I will be talking about every day is the issue of judgeships and the fact that we still have our judges bottled up, especially Bonnie Campbell, who has now been waiting 217 days to be reported out of the committee. Yet we just had some judges approved this week who were nominated in July, had their hearing in July. They were approved. But Bonnie Campbell still sits in the Judiciary Committee.

It is not right, it is not fair to her, it is not fair for our judicial system. Bonnie Campbell has all of the qualifications to be a judge on the Eighth Circuit. A former attorney general of Iowa, she did an outstanding job there.

Since 1995, she has been the first and only director of the Office of Violence Against Women in the Department of Justice which was created by the Violence Against Women Act of 1994. Again, she has done an outstanding job.

There has been some good news. During that period of time, domestic violence against women, in fact, has decreased. But the facts are we have a long way to go. In 1998, American women were the victims of 876,340 acts of domestic violence. Domestic violence accounted for 22 percent of violent crimes against women. During those same years, children under 12 lived in 43 percent of the households where domestic violence occurred.

We have to reauthorize the Violence Against Women Act. Last week, the House passed by 415-3 the reauthorization of the Violence Against Women Act. Again, I doubt they would have passed it so overwhelmingly if its only person charged with enforcing that law had done a bad job in running the office. I did not hear one comment on the House floor, nor have I heard one here, that in any way indicates that Bonnie Campbell did not do an outstanding job as head of that office. She did do an outstanding job and everyone knows she did. So now we're hearing that the Violence Against Women Act will be attached to something else and pass the Senate that way.

Yet perhaps the one person in this country who understands this issue and this law better than anyone else is Bonnie J. Campbell, who has directed that office for the last 5 years. We need people on the courts and on the bench who understand that law and can apply it fairly across our Nation. That is why we need Bonnie Campbell on the Eighth Circuit.

Right now we have quite a lack of women serving on our circuit courts. Frankly, the number of women on our circuit courts is appalling. We need more women on our circuit courts. And we need to confirm them here. Of the 148 circuit judges, only 33 are women—22 percent. That, in itself, is scandalous.

Bonnie Campbell should be added to that list.

Again, it doesn't seem right that Bonnie Campbell would get a hearing back in May and then remain bottled up in Committee. Let's go back to the presidential term of George Bush. During that time, every single district and circuit nominee who got a hearing—got a vote in Committee. And all but one got a vote on the Senate floor.

Yet we are not allowed to vote on Bonnie Campbell's nomination on the floor. So as I said, it is not fair to her. It is not fair to the judicial system. It is not fair to the advise and consent clause of the Constitution to hold her up.

Mr. President, I will again, today, as I will do every day, ask unanimous consent to discharge the Judiciary Committee of further consideration of this nomination.

Mr. President, I ask unanimous consent to discharge the Judiciary Committee from further consideration of the nomination of Bonnie Campbell, the nominee for the Eighth Circuit Court, that her nomination be considered by the Senate immediately following the conclusion of action on the pending matter, that the debate on the nomination be limited to 2 hours equally divided and a vote on her nomination occur immediately following the use or yielding back of that time.

The PRESIDING OFFICER (Mr. SMITH of Oregon). Is there objection?

Mr. MACK. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. HARKIN. Mr. President, again, every day I will come out and ask unanimous consent to get Bonnie Campbell's name out of the committee and on the floor for a vote. Yet the objections come from the Republican side of the aisle. Why, I don't know. As I said, no one has said she's not qualified. If someone wants to vote against her to be on the Eighth Circuit, that is that Senator's right—obligation, if it is a vote he or she feels in conscience that he or she must cast. But, again, I say, give her a vote.

The PRESIDING OFFICER. The 10 minutes of the Senator has expired.

Mr. HARKIN. I ask unanimous consent to wrap it up in about 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. So it only seems fair and right we bring her out here and have a vote. If people want to vote one way or the other, that is fine. But it is not fair, 217 days.

I will end my comments again by saying the standard bearer of the Republican Party, Governor Bush of Texas, has stated there ought to be a 60-day deadline on judge nominations, in other words 60 days from the day nominated to the time they get a vote in the Senate. I endorse that. Bonnie Campbell has been sitting there 217 days. Let's bring her out for a vote.

I will yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

### ECONOMICS

Mr. MACK. Mr. President, as my colleagues know, I will be leaving the Senate at the end of my term. I want to put a few thoughts on the record over the next few days, depending on the time available.

I have four grandchildren—three grandsons and one granddaughter—Ronnie Elam, Brett Elam, Blake Caldwell, and Addison McGillicuddy. The comments I am going to make today really are from the perspective of thinking about them and their future and the desire to see that they will grow up in a country and in a world where their opportunities will be equal to, if not better than, those of their parents, their grandparents, and their great-grandparents. I want them

to have a better understanding when they reach that point when they have their own families.

As people look back on the last several decades of the 20th century, I want, at least from my perspective, to be able to put on the record what I believe happened from both an economic and foreign policy perspective, and from a national security perspective. So that is what my comments will reflect today, my thoughts with respect to economics primarily and some that will reflect my feelings with respect to national defense.

So I would like to talk about economics, a topic that has been one of my passions as a Member of the Congress. Economic policy was the very reason I ran for the House of Representatives back in 1982. As many of us may recall, our country remained in a deep recession at the time, still struggling to recover from the economic policies of the 1970s. Although it was still being phased in, President Reagan's economic program was under attack by our friends across the aisle. But, to me, the Reagan economic program was a bold reaffirmation of the very purpose of America.

Many people have noted the happy coincidence that the year 1776 saw the publication of two of the most important documents in world history, Adam Smith's "Wealth Of Nations" and Thomas Jefferson's Declaration of Independence. These works share the theme of freedom. Smith made the case for free trade and unfettered markets, as Jefferson put in words the concept that government exists to protect individual liberty.

These documents rebutted, refined, and transcended the prevailing views of 1776 Great Britain. For over a century, these principles held firm and the United States stood tall as a beacon of hope and opportunity for people from all points on the globe.

Ours was a society without a rigid class structure, a society that promised equal opportunity for all based on individual enterprise and hard work, not government privileges and connections. America had no large bureaucracies intruding upon every sphere of commercial life. We relied on the willingness of individuals to shoulder the risk and responsibility that is part and parcel of private enterprise.

But this distinctly American way was challenged by two worldwide crises in the 20th century. First came the Great Depression. Although gross government mismanagement of the money supply and counterproductive trade policies were the cause of this crisis, government was put forward as the cure. This led to the proliferation of alphabet agencies seeking to steer every aspect of the American economy, as government assumed a new income redistribution role.

The second crisis was the rise of totalitarianism on the European Continent. The United States won World War II, but in the process of saving Eu-

rope from one brand of tyranny, an equally evil force came to occupy half of Europe, and the war effort was used as the justification for price controls and economic intervention that was unprecedented in the United States.

The welfare state in America grew by leaps and bounds. Once it was conceded that the Government is the guarantor of income, each successive call for new and bigger programs became harder and harder to resist. At the same time, the consolidation of the Soviet bloc presented the largest threat to freedom in human history, presenting new and costly challenges for America as the beacon of freedom. Exaggerations of Soviet economic success fueled the call for greater Government involvement in the U.S. economy. Over time, high tax rates and regulatory excesses accumulated like barnacles to slow the once mighty ship of American private enterprise.

It is hard for younger Americans to imagine how bleak our Nation's prospects appeared before Reagan assumed the Presidency. Recurrent, simultaneous bouts of high unemployment and high inflation confounded most economists, who viewed the two as a trade-off. It was thought that to reduce unemployment you had to accept inflation and to reduce inflation you had to accept higher unemployment. Producers and consumers suffered from an energy crisis. And real household incomes were shrinking as fast as "bracket creep" was raising everyone's tax bill year after year. The response of the incumbent administration was hardly inspiring—ranging from suggesting "voluntary" wage and price controls to preaching that we must learn to live within limits. In short, the American establishment was telling the American people to accept the notion that they no longer controlled their own economic destinies.

Starting in the 1970s, the media aggressively advanced the notion popular in intellectual circles that America's free enterprise system was failing. This view persisted through the 1980s. The best-seller lists were crowded with books telling of the decline of America and predicting that Japan would be the economic juggernaut of the 21st century. Even in the 1992 campaign, Bill Clinton and AL GORE were extolling the virtues of the European economic systems, of social democracy and industrial planning. We hear echoes of this approach today, with candidate AL GORE's Government-knows-best mentality. GORE proposes to micromanage and fine-tune the economy, social engineering through tax credits designed to make people behave the way the Washington bureaucrats want them to—such as buying "fuel-efficient" eighteen-wheeler trucks.

Ronald Reagan's "Program for Economic Recovery" was the opposite of the Government planning approach advocated by the critics of capitalism. Reagan rejected the idea that policymakers could fine-tune the economy,

much less control it from Washington. Instead, he sought to establish a stable environment conducive to economic growth. This meant getting inflation under control, and reducing taxes, regulation, and the size and scope of Government. It meant restoring the incentives for working, saving, investing, and succeeding. It meant opening America to the benefits and challenges of international trade.

Ronald Reagan's economic principles resonated within me. I had seen firsthand the obvious connection between the expansion of Government and our worsening economic performance. When I started in the banking business in 1966, I probably spent 90 to 95 percent of my time engaged in activities that I considered productive—designing new services to attract business, working to increase the market share and profitability of the bank. The rest involved Government paperwork. By the time I left in 1982, this ratio had completely flipped: I was spending 85 to 90 percent of my time trying to figure out how to comply with Government regulations and mandates. There was a constant stream of letters from the Government dictating how we should manage our business, from the Comptroller of the Currency, the Treasury, the FDIC, and the Federal Reserve, on topics ranging from flood insurance to so-called truth-in-lending. I remember a letter that went so far as to tell us the specific temperatures to set our heating and cooling thermostats in our businesses. Some people may have forgotten this level of Government intrusion.

In fact, others may believe it never could happen in a country such as America, but it has. It has happened before, and if we are not vigilant, it could happen again.

I received a letter from Federal Reserve Chairman Paul Volcker detailing which types of loans we could and could not make. To make the example, I could lend a family money to add an additional bedroom to their home. If that same family wanted to add a swimming pool to their home, I was prohibited from making that loan.

To some, this may have made sense if you believed that the Government should be managing consumer demand, but that role made no sense to me.

With my experience in the banking business, it wasn't hard to understand why we as a nation were having difficulty competing around the globe, when we had moved so many of our resources away from productive activities and into trying to comply with Government regulations. Over the years I had come to realize that all the abstract Keynesian theories I was taught in college ignored how the choices and incentives of individuals are altered by government interference in the economy. By failing to account for the real world, those theories in practice had come pretty close to ruining the economy. But along came Ronald Reagan, with a common sense ap-

proach that went back to basics—free markets, free enterprise, free trade. Here was a man who had recognized that big Government was a detriment to the economy, a man who approached things from the perspective of freedom as opposed to Government. I shared that perspective and recognized the importance of President Reagan's election. On election night, November 4, 1980, I knew that I had to get involved in this great campaign to restore freedom—but I would have never guessed that, two decades later, I would be standing here in the United States Senate.

Ronald Reagan clearly saw that the problem was too much government, and the solution was more individual freedom. When he assumed the Presidency, we suffered from high inflation and high unemployment. To combat the first, he prescribed reigning in the rapid growth of the money supply, asking the Fed to minimize the damage to the economy caused by high and volatile inflation. The second problem required deep cuts in the high tax rates that were deterring work, saving, and investment. But the Fed delivered tight money a lot sooner than the Congress could deliver the tax cuts, which were phased-in over 3 years. The Fed had overreacted to the stimulus of tax cuts that had not yet arrived, exacerbating the economic downturn, throwing the budget seriously out of balance, and putting the third year of the Reagan tax rate reductions in jeopardy.

In the recession of the early 1980s, the economic policies of President Reagan that inspired me to public service came under attack. In the now famous "Stay the Course" campaign of 1982, the President's party retained control of the Senate, minimized losses in the House despite the dire economic times, and preserved the Reagan economic program. We also kept on track President Reagan's defense policies, which were under attack from shortsighted critics who were unwilling to pay the price to ensure our freedom. I am proud that my first campaign was in that fateful year, when President Reagan's detractors stood a chance of putting his programs in jeopardy and I was able to make a stand in favor of his programs.

As I mentioned, the Reagan economic program was my inspiration to run for office. As a freshman, I cut my teeth in the House by circulating a letter vowing support for the President's veto of any bill that tampered with the third year of the tax cuts. After I obtained the 146 signatures necessary to sustain a veto, that threat disappeared, and the Kemp-Roth tax cuts were allowed to work. President Reagan's most dramatic policy change was without a doubt this supply-side tax cut. It seems also inconceivable today that just two decades ago, marginal income tax rates were as high as 70 percent in the United States. It was little wonder that our country was in economic de-

cline, when its most economically productive citizens could keep only a 30 percent share of their additional earnings. These high tax rates not only discouraged additional work and investment at the margin, but also confiscated capital that could have been used for job creation by the private sector.

By cutting income tax rates by 30 percent across-the-board, Reagan restored a large measure of freedom to the American taxpayer—not just the freedom to spend money that would have been taxed away, but the freedom that results when economic decisions are no longer influenced by high tax rates. It was not about the dollars that would have been collected had tax rates stayed high, but the choices that would never have been made because of these high rates—decisions to expand plant capacities or start new businesses, for instance.

President Reagan entered the White House with one paramount spending goal: to rebuild our national defense, since national security is the most fundamental responsibility of the Federal Government. He realized that to provide this desperately needed public good, while cutting tax rates to unleash the productive forces of the nation, required fiscal restraint in the non-defense portion of the Federal budget.

The difficulties that President Reagan had in taming the congressional urge to spend made a balanced budget and tax limitation amendment to the Constitution one of my top priorities when I entered Congress. It also motivated me to be the main House sponsor, along with Dick Cheney, of the Gramm-Rudman Deficit Reduction Act, which worked for at least a few years to hold spending down. Today, as much as ever, I believe some super majority restriction on the ability of Members of Congress to spend taxpayers' dollars is necessary. Unless taxes are cut to keep the revenues from flowing into Washington, the trillions of dollars of surpluses that are projected over the next decade will not last—if the taxes are collected, Congress will spend them.

Reagan also initiated a sea change in monetary policy. He did not want the Federal Reserve to manipulate the money supply in an attempt to target interest or unemployment rates. All he wanted was price stability, the elimination of high levels of inflation from the economy. The Fed should not be responsible for the level of growth in the economy—this is the role of the private sector. The best economic environment that the Fed can provide is one in which inflation expectations play a small or almost nonexistent role in long-term planning. Reagan's appointees to the Federal Reserve Board, people like Alan Greenspan, Preston Martin, Manley Johnson, Martha Seger, and Wayne Angell, shared this view and took politics out of monetary policy.

Throughout the Reagan years, the loudest and strongest advocate of stable prices in the Congress was Jack Kemp. Jack would talk tirelessly about the need for "a dollar as good as gold," and his intellectual and political support for this position no doubt influenced President Reagan's selection of Greenspan as Fed Chairman. Alan Greenspan continues to hold sway at the Federal Reserve as part of the Reagan legacy, and his record at containing inflation has set a high standard. As a member of the Senate Banking Committee I have attempted to institutionalize this approach to monetary policy, sponsoring a bill that would make price stability, not economic growth or "stabilization," the goal of the Federal Reserve. Thanks to the monetary policy initiated by President Reagan, this legislation is now a safeguard rather than a necessity.

The prevailing attitude concerning trade has also shifted, thanks to President Reagan—who recognized the fallacy of protectionism. In large part, this was due to his belief in competition and free enterprise. But his attitude was also shaped by his confidence in America. He was neither afraid of foreign competition, nor embarrassed that imports might be preferred over American goods. America, as a nation of immigrants, represents the best that the world can offer. More than any consumer good, the main export of America must be the ideal of political and economic freedom, an ideal that is undercut by trade restrictions.

By signing a free trade agreement with Canada, opening free trade negotiations with Mexico, and proposing the dismantling of agricultural trade barriers in the Uruguay Round of the GATT, Ronald Reagan went on the offensive for trade liberalization. At a time when Japan-bashing was commonplace—when Members of Congress were literally bashing Japanese-made electronics into pieces on the steps of the Capitol—Reagan did not retreat from his basic free-trade principles. The remarkable success of U.S. industries from computers, semiconductors, soft-

ware, biotechnology and many others over the past 2 decades has vindicated Reagan's belief that American business prospers best in an open and competitive free enterprise environment.

Today, principally as a result of the supply-side policies pursued by the Reagan administration, the U.S. economy is healthy. Both inflation and unemployment are low. Productivity is growing rapidly and incomes are rising.

Any doubts that President Reagan is responsible for today's bounty should be dispelled by considering a few fundamental questions. Would American economic growth be as robust today if the Federal Government still took 70 cents of every additional dollar of income from our most productive citizens? If the typical family was hit with a 49 percent Federal income tax rate on top of an effective payroll tax rate of 14.2 percent?

Would our economy be so strong if we were still suffering from double-digit inflation and interest rates, due to the politicized use of monetary policy to manipulate consumer demand? If the trend of the last 2 decades were toward managed trade, rather than freer trade? Would entrepreneurs and innovators abound if high inflation and high tax rates on capital gains slashed the returns to their risk-taking?

Would the Soviet Empire have fallen if it had not been for the military buildup, diplomatic leadership, and resolute defense of freedom during the presidency of Ronald Reagan? Would our country be as secure as it is today if instead of trading partners, the people of Eastern and Central Europe were still prisoners of the Soviet bloc? If our fellow Americans south of our border were still the potential victims of imported totalitarianism instead of full participants in established democracies?

Our debt to Ronald Reagan reminds me of an exchange mission I once went on, with Tom Foley and Dick Cheney.

It was a congressional delegation that went to France in 1985. On that trip, we spent most of our time in Paris. But for the last several days, we

went out to the French countryside. I went to a little town called Le Mans, where I traveled around with my host, Francois, from that district. I learned a lot about what his country was experiencing.

At the end of that tour, we did what many of us would refer to as an old-fashioned town meeting, where I responded to questions from the French audience for almost 2 hours. At the end of the period, I asked Francois if it would be all right if I were to ask the audience a question. And he was gracious in my request, and I asked them: Since I am returning to America tomorrow, I would like to be able to tell other people of the State of Florida what you think about our country.

The first person stood up and said: "We think of America as a dynamic, growing, thriving, exciting place." A second person that stood up said basically the same thing. The third person to address me was a fellow who probably was in his late 70's or early 80's. This fellow was stooped over, his weight being supported precariously on an old, gnarled cane. He came over closer to me, looked me directly in the eyes, and said: "You tell the people of America that we will never forget that it was the American G.I. who saved our little town. You tell them we'll never forget!"

Well, I feel that way about Ronald Reagan, my political hero, who inspired me to enter politics. America will never forget what President Reagan did for us. He gave us back our faith and renewed our belief in this country. He gave America back its pride. He rebuilt America's defenses. His economic policies reduced taxes, reduced inflation, reduced unemployment. He put America back to work again. He reminded America what made us a great nation—our commitment to freedom. And he won the cold war without firing a single shot.

The citizens of America and the people of the world will never forget.

Mr. President, I yield the floor.

#### NOTICE

*Incomplete record of Senate proceedings. Except for concluding business which follows, today's Senate proceedings will be continued in the next issue of the Record.*

ORDERS FOR FRIDAY, OCTOBER 6,  
2000

Mr. MACK. Mr. President, I ask unanimous consent that when the Senate completes its business today, it recess until the hour of 9:30 a.m. on Friday, October 6. I further ask unanimous consent that on Friday, immediately following the prayer, the Journal of proceedings be approved to date, the time for the leaders be reserved for their use later in the day, and the Senate then begin a period of morning business with the time until 10 a.m. equally divided in the usual form.

The PRESIDING OFFICER. Without objection, it is so ordered.

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#### PROGRAM

Mr. MACK. Mr. President, for the information of all Senators, the Senate will be in a period of morning business until 10 a.m. Following morning business, the Senate may begin consider-

ation of the Transportation appropriations conference report or the sex trafficking victims conference report. It is hoped that the Senate can begin consideration of either of these conference reports prior to noon tomorrow. Therefore, votes could occur by midmorning.

Mr. REID. Mr. President, may I ask my friend a question?

Mr. MACK. Certainly.

Mr. REID. Is there a "definite maybe" that we will have a vote? Is that about it?

Mr. MACK. I think that is probably as close to a "definite maybe" as you can get in the Senate at this time.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 9:30 A.M.  
TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until tomorrow at 9:30 a.m.

Thereupon, the Senate, at 6:51 p.m., recessed until Friday, October 6, 2000, at 9:30 a.m.

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#### NOMINATIONS

Executive nominations received by the Senate October 5, 2000:

##### INTER-AMERICAN FOUNDATION

ANITA PEREZ FERGUSON, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE INTER-AMERICAN FOUNDATION FOR A TERM EXPIRING SEPTEMBER 20, 2006, VICE MARIA OTERO, TERM EXPIRED.

##### FEDERAL DEPOSIT INSURANCE CORPORATION

JOHN M. REICH, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE FEDERAL DEPOSIT INSURANCE CORPORATION FOR A TERM OF SIX YEARS, VICE ANDREW C. HOVE, JR., TERM EXPIRED.